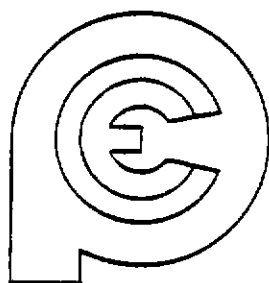


**MANDATORY  
CONTINUING EDUCATION  
IN THE HEALTH PROFESSIONS**

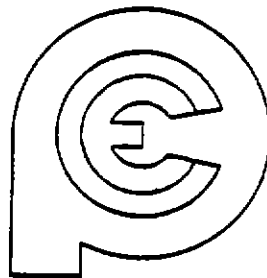


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**CALIFORNIA POSTSECONDARY  
EDUCATION COMMISSION**

# MANDATORY CONTINUING EDUCATION IN THE HEALTH PROFESSIONS

A Report to the Continuing Education Committee  
of the Statewide Area Health Education Center System



CALIFORNIA POSTSECONDARY EDUCATION COMMISSION  
1020 Twelfth Street, Sacramento, California 95814

Commission Report 82-13  
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## MANDATORY CONTINUING EDUCATION IN THE HEALTH PROFESSIONS

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Many health professions which are licensed to practice in California have requirements for continuing education as a prerequisite to relicensure. This report examines the statutory and regulatory requirements for such relicensure in each profession and identifies commonalities as well as differences in these requirements.

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### EXTENT OF REQUIREMENTS

As of April 1982, 14 specific health professions in California have statutory requirement or authorization for continuing education. One other profession, that of acupuncturist, will have such authorization as of July 1, 1982. One other authorization, that for psychiatric technicians, was adopted by the Legislature in 1981 but vetoed by the Governor; an override of this veto was still technically possible until March 4, 1982, but no attempt at override took place.

The Governor's veto message on this matter is noteworthy in that it appears to reflect growing concern regarding the public benefits of mandatory continuing education:

I do not believe that mandatory continuing education will necessarily assure quality medical care. Given its questionable benefits and the financial burdens which will be imposed on those who must take the courses, there is reason to question whether mandatory continuing education represents sound public policy.

This position runs counter to the administration's previous actions, when the Legislature enacted mandatory continuing education laws, apparently without a veto and override, for licentiates of the Board of Dental Examiners and for physicians in 1975 (the physician requirement being recodified in 1980), for hearing aid dispensers in 1977, for nursing home administrators and licensed vocational nurses in 1978, and for acupuncturists and podiatrists in 1980. However, during its second term the administration introduced, although it did not pursue aggressively, budget proposals calling for the elimination of mandatory continuing education in some professions, and the Department of Consumer Affairs even raised questions concerning the value of licensure per se.

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## STATUTORY REQUIREMENTS AND AUTHORIZATIONS

Continuing education requirements have been put into statute in two basic ways by the California Legislature:

First, in the majority of cases the Legislature has required continuing education through statutory language describing the functions of the licensure board. Nine professions are covered in the Business and Professions Code in this way.

Second, in the remaining professions, the Legislature has specifically authorized the boards through the Business and Professions Code to implement mandatory continuing education requirements if they feel it is necessary and desirable. The statutory authorization for continuing education requirements for licentiates of the Board of Dental Examiners and the Board of Optometry is thus permissive with the boards, as is that for animal health technicians by the Board of Examiners in Veterinary Medicine and that which is pending for acupuncturists by the Board of Medical Quality Assurance. It is interesting to note that only the Board of Dental Examiners among these three boards has chosen to implement its authorized continuing education requirement.

Most continuing education which is required or authorized by statute is described in specific sections of the Business and Professions Code. However, the Board of Chiropractic Examiners does not have specific statutory authorization similar to that for dentists, animal health technicians, and acupuncturists; instead it has general authorization in statute "to adopt . . . such rules and regulations as the board may deem proper and necessary for . . . the establishment of educational requirements for license renewal, and the protection of the public . . . ." (See page 15 below).

Additionally, some ambiguity exists with respect to the continuing education requirement for osteopaths. Osteopaths are licensed by the Board of Osteopathic Examiners, but virtually all of the details of their licensure are contained in the Medical Practice Act. In the few sections of the Business and Professions Code devoted to osteopathy, no provision for continuing education appears. Thus, even though it is not required or authorized to do so by any specific section of statute, the Board of Osteopathic Examiners is responsible for enforcing the continuing education requirements of osteopaths.

A comparison of the various approaches taken by the Legislature and the licensure boards can be seen in Table 1, which shows how continuing education for various professions is referenced in statute.

TABLE 1

STATUTORY REFERENCES TO CONTINUING EDUCATION

Required by Statute and Implemented by Board

Hearing Aid Dispenser  
Licensed Vocational Nurse  
Nurse  
Nursing Home Administrator  
Osteopath  
Pharmacist  
Physician and Surgeon  
Podiatrist

Authorized by Specific Statute and Implemented by Board

Dentist  
Registered Dental Assistant  
Registered Dental Hygienist

Authorized in General Powers and Implemented by Board

Chiropractor

Authorized by Specific Statute and Not Implemented by Board

Acupuncturist  
Animal Health Technician  
Optometrist

ADMINISTRATIVE CODE REGULATIONS

The actual administration of continuing education requirements by the various boards is even more diverse than the statutory status of these requirements. The number of hours of continuing education is generally spelled out in statute (except where boards are authorized rather than required to implement continuing education requirements), but all other details of the requirements and their administration are developed by the boards, generally through regulations appearing in Title 16 of the Administrative Code.

In the Administrative Code, the details of continuing education requirements relate to such questions as the following:

1. Who can become a continuing education provider?

Most boards provide for a broad range of providers--associations, educational institutions, organizations, corporations, individuals--but some, such as the Board of Chiropractic Examiners, recognize only professional associations and educational institutions. The Board of Examiners of Nursing Home Administrators becomes a provider itself for 12 of the required 40 hours, but can waive this responsibility if it so desires.

2. How are providers and courses approved?

Some boards offer blanket approvals of all courses offered by certain providers, generally professionally accredited educational institutions and professional associations. Most boards spell out application procedures for becoming a registered provider and/or having courses approved. Approvals are most commonly made by staff of boards, but some boards or board committees reserve the approval process to themselves or at least the right to delegate selectively the approvals to staff. Approval of a provider most commonly occurs in conjunction with course approval, but the Board of Registered Nursing appears to concentrate on approving the provider who, after paying a \$100 fee, can offer courses without further approval.

3. Are approvals by other agencies accepted in lieu of board approvals?

The Board of Medical Quality Assurance accepts all continuing education which carries Category I credit from the California Medical Association or American Medical Association. Similar approvals exist in podiatry. In both cases, the boards approve other providers as well.

4. What educational experiences are acceptable?

Some boards specify that only classroom experiences are acceptable as continuing education, while others permit a broader array of learning experiences including correspondence courses. A number of boards require that a fixed proportion of the continuing education hours (often half) be in a type of educational experience with higher standards of approval than the minimum acceptable level. For osteopaths, a major proportion of the continuing education must be in



osteopathy itself, as opposed to allopathic medicine. The Board of Registered Nursing provides that the educational requirement may be met by examination as well as by course work. Some boards allow a percentage of the continuing education requirement to be met by teaching rather than taking courses. The subject matter of continuing education courses is limited by some boards to patient care, but other boards allow courses in such areas as practice management--an approach which has been criticized as being too concerned with the welfare of the practitioner rather than the patient.

5. How are records kept?

All boards require licentiates to keep their own records of their continuing education courses. Some boards require "proof" of the completion of the requirement prior to relicensure, while others require a statement that the requirement has been met, subject to review and audit by the board.

6. What effort is made to assure relevance of continuing education?

Little seems to have been done on this issue. Most boards feel that the workload of relicensure is too great to permit any personalizing of continuing education toward the orderly professional growth of individual licentiates. Continuing education may inherently have more relevance for both the profession and the public if some kind of advanced credentialing exists within the profession, motivated by individual aspirations. For example, the Board of Medical Quality Assurance grants substantial continuing education credit to physicians for the attainment of certification or recertification in a specialty field. This focusing is not possible, however, in those professions without advanced credentialing wherein continuing education is more random in nature. The depth-or-breadth question of purpose arises: Does the Legislature intend that mandatory continuing education assist in making individual practitioners more effective in doing the things that they have chosen to concentrate upon, or does it intend that continuing education be a means of making practitioners more broadly aware of other things happening in a health field beyond those needed for ongoing competence? Unfortunately, no clear indications of legislative intent exist in statute.

Table 2 displays the basic features of the continuing education requirements discussed above. Additional details from statute and regulations appear in the Appendix to this report.

TABLE 2  
CONTINUING EDUCATION REQUIREMENTS FOR RELICENSURE IN THE HEALTH PROFESSIONS

Specialty and Requirements	Licensing Agency	Statutory Status and Source	Administrative Code Regulations
Acupuncturist (0 hours)	Acupuncture Examining Committee, Division of Allied Health, Board of Medical Quality Assurance	Requirement authorized by <u>Business and Professions Code 4945</u> , effective July 1, 1982	None. Board has not chosen to implement the requirement.
Animal Health Technician (0 hours)	Board of Examiners in Veterinary Medicine	Requirement authorized by <u>Business and Professions Code 4338</u>	None. Board has not chosen to implement the requirement.
Chiropractor (12 hours annually)	Board of Chiropractic Examiners	Requirement authorized by <u>Business and Professions Code 1004</u> which authorizes rules for "establishment of educational requirements for license renewal."	<u>Title 16</u> , 355-358
Dentist (50 hours biennially) and current CPR qualification	Board of Dental Examiners	Requirement authorized by <u>Business and Professions Code 1645</u>	<u>Title 16</u> , 1093-1099.4
Hearing Aid Dispenser (6 hours annually)	Hearing Aid Dispensing Committee, Division of Allied Health, Board of Medical Quality Assurance	Required by <u>Business and Professions Code 3327.5</u>	<u>Title 16</u> , 1399.140-1399.144
Licensed Vocational Nurse (30 hours biennially)	Board of Vocational Nurse and Psychiatric Technician Examiners	Required by <u>Business and Professions Code 2892.5</u>	<u>Title 16</u> , 2540-2540.7
Nurse* (30 hours biennially)	Board of Registered Nursing	Required by <u>Business and Professions Code 2811</u>	<u>Title 16</u> , 1450-1458
Nursing Home Administrator (6 hours annually, 40 biennially)	Board of Nursing Home Administrators	Required by <u>Business and Professions Code 3924</u>	<u>Title 16</u> , 3140, 3150-3156
Optometrist (0 hours)	Board of Optometry	Requirement authorized by <u>Business and Professions Code 3059</u>	None. Board has not chosen to implement the requirement
Osteopath (25 hours annually, 150 hours triennially) and current CPR qualification	Board of Osteopathic Examiners	Required by inclusion of osteopaths in Medical Practice Act for administrative purposes	<u>Title 16</u> , 1695-1695.5
Pharmacist (30 hours biennially)	Committee for the Continuing Education of Pharmacists, Board of Pharmacy	Required by <u>Business and Professions Code 4098-99</u>	<u>Title 16</u> , 1732-1739.9
Physician and Surgeon (100 quadrennially) and current CPR qualification	Division of Licensing, Board of Medical Quality Assurance	Required by <u>Business and Professions Code 2190</u>	<u>Title 16</u> , 1336-1339.5
Podiatrist (50 hours biennially) and current CPR qualification	Podiatry Examining Committee, Division of Allied Health, Board of Medical Quality Assurance	Required by <u>Business and Professions Code 2496</u>	<u>Title 16</u> , 1399 670-1399.679
Registered Dental Assistant (25 hours biennially) and current CPR qualification	Board of Dental Examiners	Required by <u>Business and Professions Code 1645</u>	<u>Title 16</u> , 1093-1099.4
Registered Dental Hygienist (25 hours biennially) and current CPR qualification	Board of Dental Examiners	Required by <u>Business and Professions Code 1645</u>	<u>Title 16</u> , 1093-1099.4

\*Also includes nurse practitioner, public health nurse, nurse anesthetist, and nurse midwife, all of whom must maintain licensure as nurses.

## CONCLUSIONS

Although no conclusions are required in this type of report, Commission staff feels that the following generalizations can be made relative to so-called mandatory continuing education in the health professions in California:

1. Several professions which may be assumed to have such requirements actually do not have them because the respective boards have not felt the necessity of implementing them.
2. No particular logic is evident in the way the Legislature has created these requirements (for example, animal health technicians were singled out for continuing education by the Legislature, but not the veterinarians who employ them), nor is a primary or unifying concept of continuing education evident throughout the requirements.
3. No clear and consistent rationale exists for mandatory continuing education as a means of assuring public protection or any other useful public purpose. The randomness of the continuing education activities of many practitioners and the orientation of continuing education activities in certain professions toward economic and political gain for practitioners both suggest the absence of any significant expectation in statute of public benefit from mandatory continuing education in the health professions.

## APPENDIX

### STATUTORY AND REGULATORY AUTHORITY FOR MANDATORY CONTINUING EDUCATION IN THE HEALTH PROFESSIONS

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NOTE: The following pages reproduce excerpts from the Business and Professions Code and from Title 16 of the California Administrative Code for each of the professions discussed in the report. Relevant passages are marked with a circle.

BUSINESS AND PROFESSIONS CODE § 4947

or experience acquired prior to January 1, 1980, when such training or experience otherwise meets the standards set by the board  
(Added by Stats 1980, c 1313, p —, § 11)

*For another section of the same number, operative July 1, 1982, see Chapter 12, post*

§ 4944 Investigation and evaluation of applicants, delegation of authority

(a) The board shall have the authority to investigate and evaluate each and every applicant applying for a certificate to practice acupuncture and to make the final determination of the admission of the applicant to the examination, or for the issuance of a certificate, in conformance with the provisions of this chapter

(b) The board may delegate to the committee in its discretion its functions under this section and may delegate to the executive director of the board or other official of the board its authority under this section in routine matters  
(Added by Stats 1980, c 1313, p —, § 11)

*For another section of the same number, operative July 1, 1982, see Chapter 12, post*

Acupuncture rules, see 16 Cal Adm Code 1399.400 et seq	Proof of experience, see 16 Cal Adm Code 1399.430
Examination and demonstration of competency, see 16 Cal Adm Code 1399.440 et seq.	Temporary certificate, fee, see 16 Cal Adm Code 1399.461

§ 4945. Continuing education, establishment of standards

The board may establish standards for continuing education for acupuncturists  
(Added by Stats 1980, c 1313, p —, § 11)

*For another section of the same number, operative July 1, 1982, see Chapter 12, post*

§ 4946. Report to legislature

The board shall report to the Legislature on the 31st day of January each year on the nature and extent of the standards, tests, and experience requirements adopted pursuant to this chapter, as well as statistical information relating to the total number of persons certified under this chapter to that date and the number certified within the preceding year

Such report shall include recommendations for legislation if the division considers legislation to be necessary  
(Added by Stats 1980, c 1313, p —, § 11)

*For another section of the same number, operative July 1, 1982, see Chapter 12, post*

§ 4946.5 Report to legislature, description of complaints, actions, and prosecutions

The board shall include in the report to the Legislature required by Section 4946 a description of all the complaints received, disciplinary actions taken, and prosecutions brought by the board which involve the practice of acupuncture by licensed acupuncturists

This section shall remain operative only until February 1, 1985, and as of such date is repealed  
(Added by Stats 1980, c 1313, p —, § 11)

*For another section of the same number, operative July 1, 1982, see Chapter 12, post*

§ 4947. Practice of acupuncture; physicians, surgeons, dentists and podiatrists

Nothing in this chapter shall be construed to prevent the practice of acupuncture by a person licensed as a physician and surgeon, a dentist, or a podiatrist, within the scope of their respective licenses

(Added by Stats 1980, c 1313, p —, § 11)

*For another section of the same number, operative July 1, 1982, see Chapter 12, post*

# ANIMAL HEALTH TECHNICIAN

## § 4836.5 BUSINESS AND PROFESSIONS CODE

### § 4836.5 Unauthorized practice

The board shall take action pursuant to Article 4 (commencing with Section 4875) of this chapter against any veterinarian licensed or authorized to practice in this state who permits any registered animal health technician or unregistered assistant to perform any animal health care services other than those allowed by this article

(Added by Stats 1974, c 1223, p 2658, § 1 Amended by Stats 1980, c 471, p —, § 3)

1980 Amendment Inserted 'or unregistered assistant'  
Library references  
Health and Environment ☞10  
C J S Health § 11

### § 4837 Revocation or suspension of registration, grounds

The board may revoke or suspend the registration of an animal health technician in this state after notice and hearing for any cause provided in this article. The proceedings under this article shall be conducted in accordance with the provisions for \* \* \* administrative adjudication in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. The board may revoke or suspend a certificate of registration for any of the following reasons:

(a) The employment of fraud, misrepresentation or deception in obtaining a registration

(b) Conviction of a crime \* \* \* substantially related to the qualifications, functions and duties of an animal health technician in which case the record of such conviction will be conclusive evidence

(c) Chronic inebriety or habitual use of drugs

(d) For having professional connection with or lending one's name to any illegal practitioner of veterinary medicine and the various branches thereof

(e) \* \* \* Violating or attempts to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, or of the regulations adopted under this chapter

(Added by Stats 1974, c 1223, p 2658, § 1 Amended by Stats 1978, c 1161, p 3074, § 270)

1978 Amendment Substituted 'administrative' for 'administration' in the introductory paragraph, in subd (b) substituted 'substantially related to the qualifications, functions and duties of an animal health technician' for 'involving, moral turpitude or conviction of a felony', relettered former subd (g) to be subd (e), and deleted former subds (e) and (f) which had read

(e) Conduct reflecting unfavorably on the vocation of animal health technology  
(f) Conviction on the charge of cruelty to animals

Library references  
Health and Environment ☞11 et seq  
C J S Health §§ 11, 29, 33, 39

### § 4838 Continuing education, rules and regulations

Effective with the 1976 renewal period, if the board determines that the public health and safety would be served by requiring all registrants under the provisions of this article to continue their education after receiving such registration, it may require, as a condition of renewal, that they submit assurances satisfactory to the board that they will, during the succeeding \* \* \* renewal period, inform themselves of the developments in the field of animal health technology since the issuance of their certificate of registration by pursuing one or more courses of study satisfactory to the board or by other means deemed equivalent by the board

The board shall adopt regulations providing for the suspension of registration at the end of each \* \* \* annual renewal period until compliance with the assurances provided for in this section is accomplished

(Added by Stats 1974, c 1223, p 2659, § 1 Amended by Stats 1975, c 762, p 1774, § 2)

Library references  
Health and Environment ☞10  
C J S Health § 11

Underline indicates changes or additions by amendment

## § 1000-1 BUSINESS AND PROFESSIONS CODE

Sections 6, 7 of Stats 1976, c. 263, p. 551, provide

Sec 6 Sections 1 through 5 of this act shall become effective only when submitted to and approved by the electors, pursuant to subdivision (c) of Section 24 of Article IV of the Constitution of the state

Sec 7 Sections 1 through 5 of this act shall be submitted to the electors at the 1976 November general election, notwithstanding the provisions of Section 3627 of the Elections Code

Amendment of this section, subject to adoption by the electors, was approved at the general election held Nov 2, 1976

### § 1000-3 Organization; executive officer; quorum; vote required, records

The board shall elect a chairman and a vice chairman and a secretary to be chosen from the members of the board. The board shall employ an executive officer and fix his salary with the approval of the Director of Finance. Elections of the officers shall occur annually at the January meeting of the board. A majority of the board shall constitute a quorum.

It shall require the affirmative vote of four members of said board to carry any motion or resolution, to adopt any rule, or to authorize the issuance of any license provided for in this act. The executive officer shall receive a salary to be fixed by the board, together with his actual and necessary traveling expenses incurred in connection with the performance of the duties of his office, and shall give bond to the state in such sum with such sureties as the board may deem proper. He shall keep a record of the proceedings of the board, which shall at times during business hours be open to the public for inspection. He shall keep a true and accurate account of all funds received and of all expenditures incurred or authorized by the board, and on the first day of December of each year he shall file with the Governor or his designee, a report of all receipts and disbursements and of the proceedings of the board for the preceding fiscal year. (Amended by Stats. 1976, c. 263, p. 548, § 2)

Operative effect of 1976 amendment, see note under § 1000-1

Amendment of this section, subject to adoption by the electors, was approved at the general election held Nov 2, 1976

### § 1000-4 Powers of board

The board shall have power

- (a) To adopt a seal, which shall be affixed to all licenses issued by the board
- (b) To adopt from time to time such rules and regulations as the board may deem proper and necessary for the performance of its work, the effective enforcement and administration of this act, the establishment of educational requirements for license renewal, and the protection of the public. Such rules and regulations shall be adopted, amended, repealed and established in accordance with the provisions of Chapter 45 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code as it now reads or as it may be hereafter amended by the Legislature
- (c) To examine applicants and to issue and revoke licenses to practice chiropractic, as herein provided
- (d) To summon witnesses and to take testimony as to matters pertaining to its duties, and each member shall have power to administer oaths and take affidavits
- (e) To do any and all things necessary or incidental to the exercise of the powers and duties herein granted or imposed
- (f) To determine minimum requirements for teachers in chiropractic schools and colleges
- (g) To approve chiropractic schools and colleges whose graduates may apply for licenses in this state. The following shall be eligible for approval
  - (1) Any chiropractic school or college having status with the accrediting agency and meeting the requirements of Section 5 of this act and the rules and regulations adopted by the board
  - (2) Any chiropractic school or college initially commencing instruction prior to the effective date of the amendments to this section approved by the electors at the November, 1976, general election, provided such school or college meets the requirements of Section 5 of this act and the rules and regulations adopted by the board and provided such school or college attains status with the accrediting agency within a time period commencing on the effective date of this provision and ending March 1, 1980.

## BUSINESS AND PROFESSIONS CODE § 1000-4

(3) Any chiropractic school or college initially commencing instruction subsequent to the effective date of the amendments to this section approved by the electors at the November, 1976, general election, provided such school or college meets the requirements of Section 5 of this act and the rules and regulations adopted by the board and provided such school or college attains status with the accrediting agency within a time period not exceeding three years following such commencement of instruction

Upon submission of evidence satisfactory to the board that the accrediting agency has unreasonably denied status to a chiropractic school or college approved under paragraph (2) or (3) of this subdivision by not considering the application for status submitted by that school or college in a timely manner, by denying the application for status submitted by that school or college without good cause, or by imposing arbitrary and capricious additional requirements upon that school or college as conditions for the attainment of status, the board shall grant an extension of the time period for the attainment of status specified in the paragraph under which that school or college is approved, as it applies to that school or college, of at least six months but no more than one year. Prior to the expiration of such extension or of any additional extension the board grants, the board shall determine whether that school or college has been unreasonably denied status by the accrediting agency for any of the reasons specified in the immediately preceding sentence during the extension. Should the board determine such unreasonable denial of status during the extension has occurred, the board shall grant an additional extension of the time period for the attainment of status, as it applies to that school or college, of at least six months but no more than one year.

As used in this section, "accrediting agency" means (1) the Accrediting Commission of the Council on Chiropractic Education, other chiropractic school and college accrediting agencies as may be recognized by the United States Commissioner of Education, or chiropractic school and college accrediting agencies employing equivalent standards for accreditation as determined by the board, (2) in the event such commission ceases to exist or ceases to be recognized by such commissioner, a chiropractic school and college accrediting agency as may be designated by the board or chiropractic school and college accrediting agencies employing equivalent standards for accreditation as determined by the board, or (3) in the event such commission ceases to exist or ceases to be recognized by such commissioner, no other such accrediting agency is recognized by such commissioner, and no such accrediting agency is acceptable to the board, the board.

As used in this section, "status" means correspondent status, status as a recognized candidate for accreditation, accredited status, or other similar status as may be adopted and used by the accrediting agency.

As used in this section, "in a timely manner" means within the time deadlines as may be established by the accrediting agency for submission of applications, consideration of applications submitted, acceptance or rejection of applications submitted, and other similar functions, as those time deadlines are interpreted by the board.

As used in this section, "without good cause" means not in accordance with rules and regulations that may be established by the accrediting agency as conditions for the attainment of status, as those rules and regulations are interpreted by the board.

As used in this section, "arbitrary and capricious additional requirements" means requirements which may be imposed by the accrediting agency as conditions for the attainment of status during the time period specified for the attainment of status by a chiropractic school or college that, in the board's judgment, cannot be satisfied within such time period or do not serve to improve the educational standards or quality of such school or college.

(h) The board may employ such investigators, clerical assistants, commissioners on examination and other employees as it may deem necessary to carry into effect the provisions of this act, and shall prescribe the duties of such employees.  
(Amended by Stats 1976, c 263, p 548, § 3, Stats 1978, c 307, p 636, § 1)

Conflict of interest code see 16 Cal  
Adm Code § 75  
Operative effect of 1976 amendment, see  
note under § 1000-1

Amendment of this section subject to  
adoption by the electors was approved at  
the general election held Nov. 2, 1976

3 Cal Code—5  
1981 P. P.



ADMINISTRATIVE CODE  
Title 16

ARTICLE 2. CONTINUING EDUCATION

355. Renewal and Restoration. (a) Commencing with the renewal period for 1971, each licensee and each applicant for restoration of a license who fails to renew shall, as a condition of renewal or restoration of his license and in addition to paying the renewal or restoration fee, submit proof as a term provided by the board that he has completed within the past 12 months a course of continuing education approved by the board.

(b) In lieu of submitting the proof of completion of continuing education required under subsection (a) above, any such licensee or applicant may submit a statement under oath, to be verified and sworn to, under penalty of perjury, that he has not engaged in the practice of medicine in the State of Illinois during the past 12 months. If such statement is submitted unless he first completes a course of continuing education and submits proof thereof to the board; and that he understands that failure to so do will constitute grounds for the permanent revocation of his license.

356. Course Content. Beginning with the renewal period for 1971, all doctors engaged in the practice of medicine on a full-time or part-time basis, shall complete a course of (12) hours of continuing education as approved by the board.

The basic subjects of continuing education are: the growth of knowledge, the cultivation of skills and greater understanding, with particular emphasis on competence in patient care and the health, safety and welfare of the patient.

Each seminar approved by the board shall be on a subject material directly related to the practice of medicine and shall include diagnostic procedures, patient care and management. The board recommends special attention to the following:

1. The use of the microscope in the laboratory and office.  
2. The use of the microscope in the laboratory and office.  
3. The use of the microscope in the laboratory and office.

4. The use of the microscope in the laboratory and office.

5. The use of the microscope in the laboratory and office.

6. The use of the microscope in the laboratory and office.

- 356. Continuing Education and Approval of Programs.** The board shall consider for approval the application of any continuing education program which conforms to the above criteria and is sponsored by a recognized California chiropractic association or a chiropractic institution having status with the Council on Chiropractic Education or actively pursuing status with the Council on Chiropractic Education.
- (b) Radiographic technique and interpretation involving all phases of roentgenology as permitted by law.
  - (1) Study of the methods employed in the prevention of excessive radiation and safety precautions to the patient.
  - (c) Graduate studies including, but not limited to, subjects contained within groups one through six of Section 5 of the Chiropractic Act.
  - (d) Insurance procedures and reporting.

The board shall consider for approval the application of any continuing education program which conforms to the above criteria and is sponsored by a recognized California chiropractic association or a chiropractic institution having status with the Council on Chiropractic Education or actively pursuing status with the Council on Chiropractic Education.

Postgraduate programs at chiropractic colleges having status with or actively pursuing status with the Council on Chiropractic Education may also be considered for approval provided the course content meets the above criteria for approval.

The board will consider for approval the application of a continuing education seminar held in a location which is contiguous with the borders of California.

A continuing education program may contain more than twelve (12) hours of approved subject material. Any twelve (12) approved hours may be selected for relicensure credit, provided, however, the same lecture may not be attended more than once for credit.

**357. Approval and Withdrawal of Approval.** (a) The application for approval of a continuing education program shall be submitted to the board office 45 days prior to the date of the seminar and shall include a nonrefundable application fee of \$100 and any other documentary information required by the board. The application fee is waived for ongoing postgraduate programs presented by chiropractic institutions having status with or actively pursuing status with the Council on Chiropractic Education.

If a program meets the criteria of the board, the sponsor will be so notified that approval has been granted, or that the program may be "eligible" for credit for continuing education. Mention of such approval or eligibility shall be included in announcements of the program and the printed program itself as follows: "Approved by the California State Board of Chiropractic Examiners for license renewal".

(b) Any board member, or members, or board designee shall have the right to inspect or audit any approved chiropractic course in progress.

(c) The board may, after notification and an opportunity to be heard, withdraw approval of any course of continuing education, and shall immediately notify the director or person in charge of such withdrawal.

(d) Each director or person in charge of an approved course in continuing education shall maintain a record of the persons completing such course for a period of two years thereafter.

(e) Each director or person in charge of an approved course in continuing education shall submit to the board office in a timely manner, as prescribed by the board, a complete and total list of all those in attendance at the seminar. Failure to submit in a timely manner, as prescribed, may be grounds for withdrawal of seminar approval.

(f) Each director or person in charge of an approved course in continuing education shall be responsible for maintaining accurate records of seminar attendance. If absence from a seminar for more than fifteen minutes during any one hour period, the absence will be detected. It will further be the responsibility of the director or person in charge to see that accurate attendance is in a timely manner by the chairperson. Failure to maintain accurate monitoring records may be grounds for withdrawal of seminar approval.

**Exemption and Reduction of Requirement.** All persons who are exempted from, or obtain a reduction of, the requirements of continuing education include the following:

- (1) Teachers (A full-time teacher, as defined by C.C.E. regulation, may be exempt from
- (2) New licensees (acquired only in the year they receive license);
- (3) Teachers (A full-time teacher, as defined by C.C.E. regulation, may be exempt from

the registered nurse shall no longer engaged in full-time teaching.

Lecturers or lecturers may be given two hours credit for each hour of actual lecturing at a recognized seminar. Credit for the same lecture presentation may be taken only once during each year.

- (5) If a doctor is unable to attend a formal education program due to ill health, credit may be given for listening to twelve (12) hours of recordings of approved seminar programs. Such an exemption request must be in writing to the board's office and accompanied by an attending doctor's statement.

The licensee will send to the board's office a signed affidavit affirming he or she has monitored twelve (12) hours of approved seminar program tapes and will provide the board with the names and dates of the approved seminar or seminars comprising the lecture tapes.

359. Revoked or Suspended Licenses. Any person making application for reinstatement or restoration of a license which has been revoked or suspended may be required, as a part of the relief granted, to complete an approved course of continuing education, or to complete such study or training as the board may require.

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BUSINESS AND PROFESSIONS CODE

istered to other dental applicants. Exemptions in such examinations shall be applied to foreign-trained applicants in the same manner as they are applied to other dental applicants

(d) All exemptions previously obtained by foreign-trained applicants which have been recognized by the board shall remain in effect for two years following the effective date of the amendments to this section made at the 1975 portion of the 1975-76 session of the Legislature  
(Amended by Stats 1974, c 546, p 1352, § 3, Stats 1975, c 317, p 762, § 1, urgency, eff. Aug 23, 1975, Stats 1977, c 160, p 622, § 1)

Rules and regulations, see 16 Cal Adm Code 1089, 1090

ARTICLE 2.5 SPECIAL PERMITS

§ 1640. Application; eligibility requirements

Any person meeting all the following eligibility requirements may apply for a special permit examination

(a) Furnishing satisfactory evidence of having a pending contract with a California dental college approved by the board as a full-time professor, an associate professor, or an assistant professor

(b) Furnishing satisfactory evidence of having graduated from a dental college approved by the board

(c) Furnishing satisfactory evidence of having been certified as a diplomate of a specialty board or in lieu thereof establishing his qualifications to take a specialty board examination.

(d) Paying the fee for applicants for examination provided by this chapter. \* \*  
(Amended by Stats.1978, c 1161, p. 3505, § 27)

1978 Amendment. Deleted former subd (e)

ARTICLE 2.6 CONTINUING EDUCATION [NEW]

Sec.

1645. Condition for license renewal, assurances; suspension.

*Article 2.6 was added by Stats.1975, c. 872, p. 1947, § 4*

§ 1645. Condition for license renewal; assurances; suspension

Ineffective with the 1974 license renewal period, if the board determines that the public health and safety would be served by requiring all holders of licenses under this chapter to continue their education after receiving such license, it may require, as a condition to the renewal thereof, that they submit assurances satisfactory to the board that they will, during the succeeding two-year period, inform themselves of the developments in the practice of dentistry occurring since the original issuance of their licenses by pursuing one or more courses of study satisfactory to the board or by other means deemed equivalent by the board.

The board shall adopt regulations providing for the suspension of the licenses at the end of such two-year period until compliance with the assurances provided for in this section is accomplished.

(Added by Stats 1975, c 872, p. 1947, § 4.)

Continuing education rules, see 16 Cal Adm Code 1093 et seq  
Derivation: Former section 1647, added by Stats.1971, c. 1011, p 1950, § 2.

Library References  
Physicians and Surgeons §=4.  
C J.S. Physicians and Surgeons § 12

Underline indicates changes or additions by amendment

Duties and settings, see 16 Cal Adm Code 1071

1 In general

The board of dental examiners does not have the requisite statutory authority to

allow for the establishment of dental hygiene offices separate from a dentist's office 63 Ops Atty Gen 465 6-3-80

#### § 1763 Use of auxiliaries in extended functions, continuing education

(a) A licensed dentist may utilize in his practice no more than two dental auxiliaries in extended functions licensed pursuant to Sections 1756 and 1761

(b) The board shall require a dentist who utilizes dental auxiliaries licensed in extended functions to satisfy requirements of continuing education in management and utilization of such an auxiliary

(Added by Stats 1974, c 128, p 261, § 3)

#### § 1764. Unlawful holding out self as licensed

Any person other than one who has been issued a \* \* \* license by the board who holds himself out as a registered dental assistant, or a registered dental assistant in extended functions, or a registered dental hygienist, or a registered dental hygienist in extended functions, or uses any other term indicating or implying he is licensed by the board in the aforementioned categories, is guilty of a misdemeanor (Added by Stats 1974, c 128, p 261, § 3 Amended by Stats 1975, c 872, p 1950, § 15.)

#### Library references

Physicians and Surgeons § 6(2)  
C J S Physicians and Surgeons §§ 10 23

#### § 1765. Repealed by Stats 1979, c 1007, p 3429, § 7

The repealed section, added by Stats 1974, c 128, p 261, § 3, amended by Stats 1975 c 872, p 1950, § 16, Stats 1978, c 1161, p 3598, § 32, specified the grounds for disciplinary action against dental assistants in extended

functions, dental hygienists and dental hygienists in extended functions  
Continuance of proceedings pending under prior laws which are superseded by Stats 1979 c 1007, see note under § 1670

#### § 1766. Fees; law governing

The provisions of Sections 1715, 1718, 1718 1, 1718 2, and 1718 3 shall govern the renewal, restoration, reinstatement, and reissuance of \* \* \* licenses issued under this article

The license shall continue in effect through the date provided in Section 1715 which next occurs after its issuance, when it shall expire if not renewed

(Added by Stats 1974, c 128, p 261, § 3 Amended by Stats 1975, c 872, p 1950, § 17)

Submission of information relating to delivery of dental care, see 16 Cal Adm Code 1064.

#### Library references

Physicians and Surgeons § 11 3  
C J S Physicians and Surgeons § 18

#### § 1767 Reports to legislature

The board shall report to the Legislature by July 1, 1975, and each six months thereafter for a period of two years, as to their progress in implementing this article

(Added by Stats 1974, c 128, p 261, § 3.)

### ARTICLE 8. DENTAL CORPORATIONS

Rules and regulations, see 16 Cal Adm Code 1061

Law Review Commentaries

Federal tax status of California professional men who incorporate Stephen A Lind (1969) 3 U S F L Rev 201

#### § 1800. Nature

Personal attendance, see 16 Cal Adm Code 1061

#### § 1801. Application for registration

Law Review Commentaries

Professional corporation Kenneth C Eliasberg (1971) 3 U West L A L Rev 65

Asterisks \* \* \* indicate deletions by amendment

Forming a dental corporation? There are some caveats Robert S Rose (1980) 11 Pacific L J 729

ADMINISTRATIVE CODE  
Title 16

Article 14 Continuing Education

1093. Purpose.

The Board has determined that the public health and safety will be served by requiring all holders of licenses, granted by the Board under the provisions of Chapter 4 of Division 2 of the Business and Professions Code, to continue their education after receiving such licenses.

1094. Citation of Rules.

These rules may be cited and referred to as "Continuing Education Rules." They are subject to amendment, modification, revision, supplement, repeal, or other change by appropriate action in the future.

(a) Assurance to Board

(1) Commencing with the 1974 license renewal period, every applicant for renewal of a license issued by the Board shall execute the following assurance: "I hereby assure the Board of Dental Examiners of California that as a certain condition to the renewal of my license, I will pursue courses of study in continuing dental education during the biennial license renewal period which are satisfactory to the Board."

(2) Refusal to Execute Assurance. Refusal to execute the assurance required pursuant to Section 1094 (a) (1) shall result in non-renewal of the license.

(b) Courses of Study Defined. Effective May 1, 1978, "courses of study" is hereby defined as an orderly process of instruction designed to directly enhance the licensee's knowledge, skill or competence in the provision of service to patients or the community. Such courses shall be classified in two categories.

(1) CATEGORY I shall include scientific courses in the actual delivery of dental services to the patient or to the community, as determined by the Board. Such courses shall include, but not necessarily be limited to, courses in preventive services, diagnosis (including physical evaluation, radiography, dental photography) and treatment planning, courses dealing primarily with nutrition counseling of the patient, courses in corrective and restorative oral health treatment, and dentistry's role in individual and community health emergencies and disasters.

(2) CATEGORY II shall include other courses directly related to the practice of dentistry as determined by the Board. Such courses shall include, but not necessarily be limited to, courses in organization and management of the dental practice including office design. Courses in basic skills such as communication, behavioral science, memory training and speed reading are within the scope of the program, when oriented specifically to the needs of dental practice. Category II shall also include courses in other subjects of direct concern to dentistry such as dentolegal matters, methods of health care delivery and sociopolitical problems directly involving dentistry. Courses emphasizing the licensee's personal health may be registered if presented in an acceptable educational framework.

Courses considered to be outside the scope of the continuing education program as authorized by the Legislature in Section 1645 of the Business and Professions Code include, but are not limited to courses dealing largely with money management, the licensee's personal finances or personal business matters, and courses in basic educational or cultural subjects that are not taught in direct relationship to the practice of dentistry.

— Courses in general physical fitness are not approved, unless taught in direct relation to the dental practice. Presentations by political or public figures or other persons that do not deal primarily with dental practice are outside the scope of the program.

(c) **Standards for Registration.** Courses of study presented for credit toward satisfying the continuing education requirements shall meet the following minimal requirements:

(1) The instruction shall be conducted on the same educational standards of scholarship and teaching as that required of a true university discipline.

(2) The course or topic of instruction shall conform to the purpose and method of higher education.

(3) The provider of a course of study or topic of instruction shall be able to demonstrate to the Board:

(A) That the course or topic of instruction meets the definition as set forth in Section 1094 (b) of this Article.

(B) That an opportunity to enroll in such courses of study is available to all dental licentiates.

(d) **Providers.** (1) Within the meaning of this section, "provider" means an entity which assumes responsibility to provide continuing dental education courses. Educational institutions approved by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs of the American Dental Association, dental societies and other organizations may apply to the Board to be recognized as "registering providers." If approved, they may register courses for continuing education credits in conformance with guidelines provided by the Board. Reference by providers to courses so registered shall be limited to the announcement "This course is authorized to confer \_\_\_\_\_ units of California Continuing Education credit in Category \_\_\_\_\_."

Courses which do not clearly fall within the Board's guidelines shall be submitted to the Board prior to the announcement of registration.

(2) Notwithstanding other provisions of this Article dealing with registering providers, the Board may approve individual continuing education courses in addition to those offered by registering providers. Such courses shall be submitted by the non-registering provider on forms furnished by the Board prior to the date scheduled for presentation of the course. If the course has received approval by the Board, the individual provider may note on the course brochures or other publications the following: "This course has been registered by the Board of Dental Examiners of California for \_\_\_\_\_ units of Continuing Education credit in Category \_\_\_\_\_." However, the provider shall not in his advertising make reference to submission of the course to the Board, or represent that the course has been approved until such time as the provider has received written approval by the Board.

(3) The Board retains the right and authority to audit or monitor courses given by any provider. The Board may rescind registering provider status if the registering provider has disseminated any false or misleading information in connection with the continuing education program, or if the registering provider has failed to conform to regulations or continuing education guidelines. If a non-registering provider has falsely represented that a course has been approved or tentatively approved or has provided other false or misleading information in connection with the continuing education program or if the non-registering provider has failed to conform to regulations or continuing education guidelines, his course or courses may not receive Board registration.

(4) The following are recognized as potential providers of continuing education courses and programs:



(A) Any bona fide dental, dental hygiene, dental assisting, medical, medical assisting society, association or convention;

(B) Any institution approved by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs of the American Dental Association,

(C) Any institution which provides graduate training which meets the requirements for certification by American Dental Specialty Boards,

(D) Institutions of higher education which have met the standards of the Accrediting Commission for Senior Colleges and Universities of the Western Association of Schools and Colleges or similar regional accrediting agencies,

(E) Institutions of higher education which have met the standards of the Accrediting Commission for Junior Colleges of the Western Association of Schools and Colleges,

(F) In-service training programs conducted at graduate level by agencies of the Federal, State and local government,

(G) Internship and residency programs conducted in hospitals which have been approved by the Council on Hospital Dental Services of the American Dental Association,

(H) Institutions of Registered Dental Assistant educational programs which have either preliminary or full approval of the Board of Dental Examiners.

Any provider or proposed provider not recognized herein may apply to the Board for recognition as a registering provider or may submit individual courses for registration by means of an application therefore on forms provided by the Board.

(e) Units of Credit for Attendance One unit of credit shall be granted for every hour of contact instruction. This credit shall apply to either academic or clinical instruction. 7 units shall be the maximum continuing education credits granted in one day.

(f) Provider Responsibility It shall be the responsibility of the provider to furnish a written certification card to the licensee certifying that the course has been completed satisfactorily. Such certification card shall not be issued until completion of the course and shall contain the provider's name, course registration number, dates attended and units earned filled in by the provider, additionally, space shall be provided for the licensee to fill in printed name, signature and license number. The provider shall retain a list of course attendees for a period of three years after completion of the course.

(g) Summary of Units Earned The licensee shall, when applying for license renewal on a form provided by the Board, provide a summary of continuing education units earned during the license renewal period. The licensee shall retain for a period of three years the certification cards that were issued to the licensee at the time of course attendance, and shall forward same to the Board only if requested to do so by the Board in writing. If the licensee has failed to retain any of the certification cards required to demonstrate course attendance, it shall be the licensee's responsibility to contact the provider and obtain a duplicate registration card. Providers may issue duplicate registration cards only to licensees whose names appear on the provider's roster of course attendees. The card shall be clearly marked 'duplicate' and shall contain the licensee's name, as well as the provider's name, course registration number, dates attended and units earned. Any licensee who furnishes false or misleading information to the Board regarding the status of his continuing education program shall be subject to disciplinary action. The Board will audit a number of licensee records as is necessary to assure that the continuing education requirements are met.

(h) Out of State or Non-Registered Course A licensee who attends a course or program which meets all requirements for continuing education courses but which has not been submitted for registration, whether such course be given in California or elsewhere, may submit information on course content and duration to the Board and request continuing education credit. The licensee shall also furnish evidence from the provider of the course that the licensee was in attendance. In the case of a scientific meeting or convention such evidence shall indicate that the licensee attended the specific lecture for which credit is requested. When the necessary requirements have been ful-

filled, the Board may issue a certification card which the licensee may then use for documentation of continuing education credits, as described in subsection (g) above

(i) **Suspension of License** All holders of a license issued by the Board shall comply with the assurance required by Section 1094 (a) (1) hereof. The license of any licensee who fails to comply with the assurance made to the Board shall be suspended and shall not be renewed until such time as the assurance made to the Board is accomplished

(j) **Requirements if Not Engaged in Any California Dental Practice** Licensees not practicing in California for more than one year due to residing out of state, being disabled or retired, need not comply with the continuing education requirements of this article during the renewal period within which such absence falls. When practice is re-initiated within California, such licensee shall comply with the continuing education requirements for all subsequent renewal periods

#### **HISTORY**

1 Amendment of subsection (b) and (d) (3) filed 3-25-77, effective thirtieth day thereafter (Register 77, No. 13)

2 Amendment filed 4-4-78 effective thirtieth day thereafter (Register 78, No. 14)

#### **1095. Units Required for Renewal of License**

(a) As a condition to renewal of a license issued by the Board, every licensee shall have accumulated the minimum number of units indicated below in the interval of the biennial license renewal period with the exception that those new licensees who have been issued a license to practice for a period less than 2 years shall commence accumulating continuing education credits with the next biennial renewal period occurring after the issuance of license to practice. Except in the case of new licensees when licenses are issued or renewed for a period of more or less than two years, the continuing education requirements shall be prorated and the Board shall notify the licensee in advance of the number of continuing education units required for the relicensure period

(1) **Dentist** 50 units, at least 25 of which must be in Category I

(2) **Registered Dental Hygienist** 25 units, at least 13 of which must be in Category I

(3) **Registered Dental Assistant** 25 units, at least 13 of which must be in Category I

(b) Tape-recorded courses approved by the Board shall be accepted for credit up to, but not exceeding, half of the total required credit. As part of the continuing education requirements, each licensee shall complete any course in basic life support approved by the American Red Cross or the American Heart Association at least once every two years.

**NOTE** Authority cited Section 1614, Business and Professions Code. Reference Section 1645 Business and Professions Code

#### **HISTORY**

1 Amendment filed 4-4-78, effective thirtieth day thereafter (Register 78, No. 14)

2 Amendment filed 4-20-79, effective thirtieth day thereafter (Register 79, No. 16)

#### **1096. Carry-over of Units Earned.**

Licensees may only carry over those excess units earned during the 1974-1976 and the 1976-1978 licensing periods for credit towards renewal in the subsequent period, or if the subsequent renewal period is less than two years, the licensee may carry over said excess units for two subsequent renewal periods. The number of units credited to the subsequent renewal period shall not exceed the amount listed below

(1) **Dentist** 50 units

(2) **Registered Dental Hygienist** 25 units

(3) **Registered Dental Assistant** 25 units

**NOTE** Authority cited Section 1614 Business and Professions Code. Reference Sections 1607, 1608, 1611, 1630, 1631, 1633.5, 1645, 1740, 1753, 1754, 1756-1759, 1761, 1762, Business and Professions Code. Additional reference: Sections 11120, 11125, Government Code.

#### **HISTORY**

1 New section filed 5-5-76 effective thirtieth day thereafter (Register 76, No. 10)

2 Amendment filed 4-4-78, effective thirtieth day thereafter (Register 78, No. 14)

# HEARING AID DISPENSER

## § 3320

### BUSINESS AND PROFESSIONS CODE

the actual examination. The committee shall consist of seven members who shall be appointed by the Governor. Four members shall be public members, one of whom shall be a licensed physician and surgeon specializing in treatment of the diseases of the ear and certified by the American Board of Otolaryngology, and another public member shall be an audiologist \* \* \* licensed under Chapter 53 (commencing with Section 2530). Each public member shall be a citizen of the United States, a resident of the State of California, and of good moral character. The remaining three members shall be, and shall have been for at least five years immediately preceding their appointment, engaged exclusively in this state in the practice of fitting \* \* \* or selling hearing aids to persons with impaired hearing. All hearing aid dispenser members, other than those first appointed, who are appointed to the committee after the date on which the board first issued a license, as provided in Section 3354, shall be persons who hold valid licenses under this chapter.

The director or his deputy shall be entitled to attend all meetings of the committee, except that neither shall have the power to vote nor shall be counted for quorum purposes.

(Amended by Stats. 1979, c. 970, p. 3323, § 5.)

#### § 3321 Term of office; vacancies

Each member of the committee, except the members first appointed, shall hold office for a term of four years. Each member shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

Vacancies occurring shall be filled by appointment for the unexpired term. Each member of the committee shall be eligible for reappointment in the discretion of the Governor, provided that reappointed hearing aid dispenser members shall, at the time of the reappointment, hold a valid license under this chapter. No person may serve as a member of the committee more than two consecutive terms.

(Amended by Stats. 1978, c. 1161, p. 3658, § 224.5.)

#### § 3327. Qualifications for license, course of instruction, distribution of information

The committee may recommend the preparation of and administration by the State Department of Education of the course of instruction concerned with the fitting and selection of hearing aids. The committee may require that after 1975, prospective licensees shall first complete the required course of instruction or otherwise satisfy the committee that the licensee possesses the necessary background and qualifications to fit \* \* \* or sell hearing aids.

The committee may publish and distribute information concerning the examination requirements for obtaining a license to engage in the practice of fitting and selling hearing aids within this state.

(Amended by Stats. 1979, c. 970, p. 3324, § 6.)

#### § 3327.5 Continuing education

On and after January 1, \* \* \* 1980, all holders of licenses to sell and fit hearing aids shall continue their education after receiving such license. The committee shall provide by regulation, as a condition to the renewal thereof, that licensees shall submit documentation satisfactory to the committee that they have informed themselves of the developments in the practice occurring since the prior issuance or renewal of their licenses by having pursued courses of study satisfactory to the committee or by other means defined as equivalent by the committee.

(Added by Stats. 1977, c. 717, p. 2299, § 1. Amended by Stats. 1978, c. 839, p. 2644, § 1.)

1978 Amendment. Substituted "1980" for "1979".

#### Library References

Physicians and Surgeons § 5(1)

C.J.S. Physicians and Surgeons § 6 et seq.

Underline indicates changes or additions by amendment

ADMINISTRATIVE CODE

**TITLE 16**

**HEARING AID DISPENSERS  
EXAMINING COMMITTEE**

**§ 1399.141**  
(p. 136 30 3)

(Register 80, No. 18—5-10-80)

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee

NOTE: Authority cited Sections 482 and 3328, Business and Professions Code Reference Sections 480, 482, 490, 3401 and 3403, Business and Professions Code

**HISTORY**

1 New section filed 10-24-75, effective thirtieth day thereafter (Register 75, No. 43)

2 Amendment of NOTE filed 4-12-79, effective thirtieth day thereafter (Register 79, No. 15)

**Article 7 Continuing Education**

**1399.140. Continuing Education Required.**

(a) Each dispenser is required to complete at least six (6) hours of continuing education from a provider approved under Section 1399.141 below during each calendar year

(b) Each dispenser renewing his or her license under the provisions of Section 3451 of the code shall be required to submit proof satisfactory to the committee of compliance with the provisions of this article

(c) Such proof shall be submitted at the time of license renewal on a form provided by the committee accompanied by the continuing education reporting fee required in Section 1399.129, subs. (1)

(d) Any dispenser who cannot complete a minimum of six (6) hours of approved continuing education shall be ineligible for the next renewal of his or her license unless such dispenser applies for and obtains a waiver pursuant to Section 1399.144 below

(e) This article shall not apply to any dispenser who was issued a permanent license for the first time within the preceding calendar year

(f) Any person whose hearing aid dispenser's license has become delinquent or has lapsed shall complete the required hours of approved continuing education for the current year and the preceding year before such license may be restored.

NOTE: Authority and reference cited Section 3327.5, Business and Professions Code

**HISTORY**

1 New Article 7 (Sections 1399.140-1399.144) filed 4-12-79, effective thirtieth day thereafter (Register 79, No. 15)

2 Editorial correction of History Note 1 (Register 79, No. 18)

3 Amendment of subsections (a) and (d) and new subsection (f) filed 5-8-80, effective thirtieth day thereafter (Register 80, No. 19)

**1399.141. Approval of Continuing Education Providers.**

(a) In order to be approved by the committee as a continuing education provider the following information shall be submitted with an application provided by the committee

(1) Description of course content of all courses to be offered. The course content shall be related to the use of hearing aids for aiding or compensating for impaired human hearing and shall present subject matter related to new developments in the practice of hearing aid dispensing. As used in this article, "new developments" means those subjects, issues, topics, theories or findings which in recent time have been investigated, studied or researched or which have recently evolved or been made known in the fields of hearing loss or impairment, and testing therefor, or hearing aid recommendation, evaluation and dispensing

§ 1399.142  
(p 136 30.4)

HEARING AID DISPENSERS  
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TITLE 16  
(Register 80, No 18-5-10-80)

(2) Method of instruction for course(s) offered Teaching methods for each course or program shall be described, *e g.*, lecture, seminar, audiovisual, simulation, etc

(3) Education objectives Each course or program shall clearly state the educational objective that can be realistically accomplished within the framework of the course or program, and the number of hours of continuing education credit which may be obtained by completion of a specified course

(4) Qualifications of instructors Instructors shall be qualified to teach the specified course content by virtue of their prior education, training and experience. A resume of each instructor shall be forwarded with the application for approval

(5) Evaluation. Each course or program shall include an evaluation method which documents that educational objectives have been met, such as, but not limited to, a written evaluation or written examination by each participant.

(b) Providers shall maintain a record of attendance of each participant who is licensed as a hearing aid dispenser and submit that record to the committee no later than December 31 of each calendar year The record shall indicate those dispensers who have complied with the requirements of the course or program offered

(c) Each course presented by a provider shall be a minimum of six (6) hours in length

(d) Applications for approval of a continuing education provider shall be submitted to the committee at its Sacramento office at least 90 days before the date of the first course or program offering to be approved.

(e) Any change in the course content or instructor shall be reported to the committee on a timely basis

(f) The committee may withdraw the approval of any provider for failure to comply with the provisions of this section

(g) The committee may at any time, but not more than once each year, request that each provider recertify the information contained in the original application for approval of any modifications thereto

NOTE. Authority and reference cited Section 3327.5, Business and Professions Code.

**HISTORY**

1 Amendment filed 5-8-80, effective thirtieth day thereafter (Register 80, No 19)

**1399.142. Sanctions for Noncompliance.**

(a) Any dispenser who does not complete the required number of hours of continuing education will be required to make up any deficiency during the next calendar year and renewal cycle. Such dispenser shall document to the committee the completion of any deficient hours Any dispenser who fails to make up the deficient hours and the hours of required continuing education for the current year shall be ineligible for the next renewal of his or her license to dispense hearing aids until such time as the deficient hours of continuing education are documented to the committee

**TITLE 16**

[Register 80, No. 19--5-10-00]

**HEARING AID DISPENSERS  
EXAMINING COMMITTEE**

**§ 1399.144  
(p. 136 30.5)**

(b) Fraudulently misrepresenting compliance with the continuing education requirements of Section 3327 5 of the code and this article shall constitute "obtaining a license by fraud or deceit" as those terms are used in Section 3401, subd. (c), of the code

NOTE. Authority cited Sections 3327 5 and 3328, Business and Professions Code. Reference: Section 3327.5, Business and Professions Code

**1399.143. Repetition of Courses.**

Credit will not be given toward approved continuing education coursework which is substantially similar to coursework which was successfully completed within the preceding three (3) years and used to meet the continuing education requirements of this article and Section 3327 5 of the code

NOTE. Authority and reference cited Section 3327 5, Business and Professions Code.

**1399.144. Waiver of Requirement.**

(a) The committee, may in its discretion exempt from the continuing education requirements, any dispenser who for reasons of health, military service, or undue hardship cannot meet those requirements. Applications for waivers shall be submitted to the committee for its consideration.

(b) Any dispenser who submits an application for a waiver which is denied by the committee, shall otherwise comply with the provisions of this article or be subject to the sanctions for noncompliance set forth in Section 1399.142.

NOTE. Authority and reference cited Section 3327 5, Business and Professions Code

## § 2892.4 BUSINESS AND PROFESSIONS CODE

### § 2892.4 Failure to renew within four years after expiration, application for new license; grounds

A license which is not renewed within \* \* \* four years after its expiration may not be renewed, restored, reissued, or reinstated thereafter, but the holder of the license may apply for and obtain a new license if

(a) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension,

(b) He pays all of the fees that would be required of him if he were then applying for the license for the first time, and

(c) He takes and passes the examination which would be required of him if he were then applying for the license for the first time. No examination shall be required, however, if the expired license was issued without an examination, and the examination may be waived in any case in which the applicant establishes to the satisfaction of the board that, with due regard for the public interest, he is qualified to engage in the practice of vocational nursing.

The board may, by appropriate regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a license is issued without an examination under this section.

(Amended by Stats 1978, c 1161, p 3647, § 191 Stats 1978, c 853, p 2702, § 3)

Vocational nurses, eligibility for renewal of license after expiration, see 16 Cal Adm Code 2518.

For subordination of amendment by Stats 1978, c 1161, to other 1978 legislation

effective on or before January 1, 1979, see note under § 111.

1978 Amendment Substituted "four years" for "five years" as the threshold period specified in the first paragraph.

### § 2892.5 Renewals, proof of continuing education, regulations establishing standards, exemptions

(a) Each person renewing his or her license under the provisions of this chapter shall submit proof satisfactory to the board that, during the preceding two-year period, he or she has informed himself or herself of developments in the vocational nurse field or in any special area of vocational nurse practice, occurring since the issuance of his or her certificate, or the last renewal thereof, whichever last occurred, either by pursuing a course or courses of continuing education approved by the board in the vocational nurse field or relevant to the practice of such licensee, and approved by the board, or by other means deemed equivalent by the board.

(b) For purposes of this section, the board shall, by regulation, establish standards for continuing education. The standards shall be established in a manner to assure that a variety of alternative forms of continuing education are available to licensees including, but not limited to, academic studies, in-service education, institutes, seminars, lectures, conferences, workshops, extension studies, and home study programs. The standards shall take cognizance of specialized areas of practice. The continuing education standards established by the board shall not exceed 30 hours of direct participation in a course or courses approved by the board, or its equivalent in the units of measure adopted by the board.

(c) This section shall not apply to \* \* \* the first license renewal following the initial issuance of a license

This section shall become operative on July 1, 1980.

(Amended by Stats 1974, c 923, p 1938, §§ 5, 6, Stats 1976, c 1396, p 6308, § 2, operative July 1, 1980, Stats 1978, c 1161, p 3648, § 192; Stats 1978, c 849, p 2690, § 1, Stats 1979, c 651, p 2004, § 4, operative July 1, 1980.)

Continuing education 16 Cal Adm Code 2540 et seq.

For subordination of amendment by Stats 1978, c 1161, to other 1978 legislation effective on or before January 1, 1979, see note under § 111.

Amendment of § 2892.5 by Stats 1974, c 923, p 1938, § 5, operative until July 1, 1978, was repealed by Stats 1976, c 1396, p 6308, § 1, eff Jan 1, 1977.

Underline indicates changes or additions by amendment

# LICENSED VOCATIONAL NURSE

## BUSINESS AND PROFESSIONS CODE § 2896.7

### § 2892.6 Continuing education, providers of courses; fees

The board may collect a fee, not to exceed fifty dollars (\$50), from any provider of a course in continuing education who requests approval by the board of such course for purposes of continuing education requirements under this chapter. Such fee, however, shall in no event exceed that cost required for the board to administer the approval of continuing education courses by continuing education providers.

(Added by Stats. 1978, c. 901, p. 2838, § 1.)

#### Library References

Physicians and Surgeons § 4

C J S Physicians and Surgeons § 12

### § 2895. Fee schedule

The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application shall be fixed by the board, with the approval of the director, at not more than \* \* \* fifty dollars (\$50).

(b) The fee for any examination after the first is \* \* \* thirty-five dollars (\$35).

(c) The renewal fee shall be fixed by the board with the approval of the director at not more than \* \* \* fifty dollars (\$50).

(d) Notwithstanding Section 1635, the delinquency fee for failure to pay the renewal fee within the prescribed time shall be fixed by the board at not more than 50 percent of the regular renewal fee but not more than twenty-five dollars (\$25).

(e) The initial license fee is an amount equal to the renewal fee in effect on the date the application for the license is filed.

No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

(Amended by Stats. 1976, c. 1396, p. 6309, § 3, Stats. 1981, c. 510, p. —, § 1.)

Amount of fees see 16 Cal Adm Code 2537      Waiver of initial license fee, see 16 Cal Adm Code 2538

## ARTICLE 7 NURSING EDUCATION PROGRAMS

### § 2896.7 Enrollment in qualified institution required; program of study

Assistance under this article shall only be granted to a student who otherwise qualifies under this article and who enrolls in an educational institution with policies satisfactory to the board regarding the acceptance of transfer credits from other educational institutions, and pursues a program of study to achieve one of the following goals:

(a) For persons who are employed as unlicensed aides or other assistants to nurses, participating in a study program, which is approved by the appropriate state licensing agency, that leads to a licensure as a vocational nurse or registered nurse.

(b) For persons who are licensed by the state as vocational nurses, participating in a study program, which is approved by the Board of \* \* \* Registered Nursing, that leads to a licensure as a registered nurse.

(Amended by Stats. 1978, c. 1161, p. 3648, § 193.)

1978 Amendment. Substituted "Board of Registered Nursing" for "Board of Nursing Education and Nurse Registration."

Asterisks \* \* \* indicate deletions by amendment



## ADMINISTRATIVE CODE

§ 2537  
(p 192 2)

### VOCATIONAL NURSE AND PSYCHIATRIC TECHNICIAN EXAMINERS

TITLE 16

(Register 80, No 15—4-12-80)

prepared less than eight days prior to the examination date, the applicant shall present it at the time of his admission to the examination

NOTE Authority cited Section 2854, Business and Professions Code Reference Sections 2881, 2882 and 2883, Business and Professions Code

#### HISTORY

- 1 Amendment filed 12-10-64, effective thirtieth day thereafter (Register 64, No 24)
- 2 Amendment filed 12-17-70 effective thirtieth day thereafter (Register 70 No 51)
- 3 Renumbering from Section 2558 filed 9-2-75, effective thirtieth day thereafter (Register 75, No 36)

## Article 6 Revenue

### 2537. Fees.

Pursuant to Section 2895 of the code, the following fees are established

- (a) The application fee is twenty-five dollars (\$25)
- (b) The biennial renewal fee is twenty-five dollars (\$25)
- (c) The delinquency fee is five dollars (\$5)

NOTE Authority cited for Article 6 (Sections 2559 and 2559 1) Section 2854, Business and Professions Code

#### HISTORY

- 1 Amendment of subsection (b) filed 10-12-73 effective thirtieth day thereafter (Register 73 No 41) For prior history, see Register 70, No 51
- 2 Renumbering from Section 2559 filed 9-2-75 effective thirtieth day thereafter (Register 75 No 36)
- 3 Amendment filed 1-19-77 as an emergency, effective upon filing (Register 77 No 4)
- 4 Certificate of Compliance filed 3-29-77 (Register 77, No 14)

### 2537.1 Provider's Fees.

Pursuant to Section 2892.6 of the Code the following fees for applications for approval of continuing education courses are established

- (a) The fee is \$30 for the first course for which approval is sought
- (b) There is no additional fee for the second and third course
- (c) The fee is \$5 for the fourth course and for each additional course for which approval is sought

NOTE Authority cited Section 2854, Business and Professions Code Reference Section 2892.6 Business and Professions Code

#### HISTORY

- 1 New section filed 3-29-79, effective thirtieth day thereafter (Register 79 No 13)

### 2538. Waiver of Initial License Fee.

If a license is issued within 45 days prior to the next regular renewal date the licensee will not be required to pay the initial license fee

#### HISTORY

- 1 Renumbering from Section 2559 1 filed 9-2-75, effective thirtieth day thereafter (Register 75 No 36)

## Article 7 Continuing Education

### 2540. Definitions.

For purposes of this Article

- (a) "Academic studies" means courses offered by an institution of higher education or courses considered comparable by the Board,
- (b) "Audio/visual learning systems" means educational television for home instruction, instructional television (cable and video cassettes), audio cassettes, and tapes and records which are viewed or listened to in conjunction with a written course synopsis provided by the provider,
- (c) "Conferences" mean meetings which bring together groups of licensees to learn of the latest developments in the practice of vocational nursing.

**TITLE 16****VOCATIONAL NURSE AND PSYCHIATRIC  
TECHNICIAN EXAMINERS****§ 2540.1**

(p 192 2.1)

(Register 81, No 17—4-25-81)

(d) "Continuing education" means educational activities primarily designed to keep licensed vocational nurses informed of developments in the vocational nurse field or in any special area of vocational nurse practice. It may include academic studies undertaken by a licensed vocational nurse after she has completed the course of instruction prescribed by the board for licensure;

(e) "Extension studies" means courses offered by the extension division of an institution of higher education accredited by the Department of Education or courses considered comparable by the board. Academic credit need not be given for such courses,

(f) "Home study programs" mean continuing education courses designed to be undertaken at a licensee's home,

(g) "In-service education" means a course provided by an employer in the employment setting,

(h) "Provider" means a person or organization offering a continuing education course approved by the board under Section 2540 2,

(i) "Short-term learning activity" means institutes, lectures, seminars, symposiums and workshops

NOTE Authority cited Section 2854, Business and Professions Code Reference Sections 2892 1 and 2892.5, Business and Professions Code

**HISTORY**

1 New Article 7 (§§ 2540, 2540 1-2540 5) filed 9-30-75, effective thirtieth day thereafter (Register 75, No 40)

**2540.1 Purpose and Requirements**

(a) The purpose of this article is to implement Section 2892 5 of the Business and Professions Code as added to said Code by Chapter 923 of the Statutes of 1974. On and after July 1, 1980, each licensee renewing a license under Section 2892 of the Code shall submit proof, satisfactory to the board, that during the preceding two years the licensee has been informed of developments in the vocational nurse field or in any special area of vocational nurse practice engaged in by such licensee, occurring since the issuance of the certificate, or the last renewal thereof, whichever last occurred, by completion of thirty (30) hours of continuing education approved by the board

(b) In lieu of submitting such proof, the licensee may take and successfully complete an examination given by the board designed to test her knowledge of developments occurring in the vocational nurse field since the issuance of her license, or the last renewal thereof, whichever last occurred

(c) This section shall not apply to the first license renewal following the initial issuance of a license

NOTE Authority cited Section 2854, Business and Professions Code Reference Section 2892 5, Business and Professions Code

**HISTORY**

1 Amendment of subsection (a) filed 10-7-77, effective thirtieth day thereafter (Register 77, No 41)

2 Amendment of subsections (a) and (c) filed 2-18-81, effective thirtieth day thereafter (Register 81, No 8)

**2540.2. Continuing Education Courses.**

(a) The board shall approve courses of continuing education by which a licensee may satisfy the requirement of completion of thirty (30) hours of approved continuing education. These courses may be in areas other than those directly related to the practice of vocational nursing if, in the opinion of the board, such courses bear a reasonable relationship to developments in the vocational nurse field or in any special area of practice engaged in by the licensee. The board shall consider continuing education courses to include academic studies, audio/visual learning systems, conferences, extension studies, home study programs, in-service education, institutes, lectures, seminars, workshops, and similar programs

(b) The board will accept hours of approved continuing education on the following basis

(1) Each hour of theory shall be accepted as one (1) hour of continuing education

(2) Each three (3) hours in course-related clinical practice shall be accepted as one (1) hour of continuing education

**2540.3. Course Approval.**

(a) Providers applying for approval of a continuing education course must:

(1) Apply on forms provided by the board,

(2) Submit any required forms or information in duplicate,

(3) Include the following information:

(A) A description of the subject matter of the course as it relates to recent developments in the vocational nursing field or in any special area of vocational nursing practice,

(B) A statement of the expected results of completion of the course in informing nurses of developments in the vocational nurse field or in any special area of vocational nursing practice,

(C) Method of instruction,

(D) Length of the course, date the course will start, the number of hours the course will be in session and the location the course will be offered at,

(E) Enrollment restrictions or prerequisites, if any, and the estimated number of licensees that will be taking the course,

(F) Identify the course instructor's qualifications, which shall include the information specified in Section 2540.5

(b) The board will issue a statement of approval to the provider of an approved continuing education course. A course will not be approved for more than a two-year period

(c) Continuing education courses approved by nursing licensing agencies of this or of other states, or nursing organizations of this or other states, or courses considered comparable by the Board may be accepted by the Board if they are equivalent to approved courses in continuing education

(d) Approval of a continuing education course may be withdrawn if the board later discovers a material misrepresentation of the information required by subsection (a)

NOTE Authority cited Section 2854, Business and Professions Code Reference Section 2892.5, Business and Professions Code

**HISTORY**

1 Amendment of subsections (a) (4) and (c) filed 3-3-78, effective thirtieth day thereafter (Register 78, No 9)

2 Amendment of subsection (a) filed 4-22-81, effective thirtieth day thereafter (Register 81, No 17)

**TITLE 16****VOCATIONAL NURSE AND PSYCHIATRIC  
TECHNICIAN EXAMINERS****§ 2540.6  
(p 192 23)****(Register 81, No 17—4-25-81)****2540.4. Approval of Course Instructors.**

In order to be approved as a continuing education course instructor, a person must be knowledgeable of recent developments in the vocational nurse field or in any special area of vocational nurse practice. Evidence that a continuing education course instructor possesses such knowledge shall include two of the following:

- (a) Completion within two years preceding course approval of specialized training in the subject matter of the course,
- (b) Completion of academic studies related to the subject matter of the course within two years of course approval,
- (c) Experience teaching a course with similar subject matter content within the previous two years,
- (d) Six months of work experience in the subject matter of the course within the previous three years,
- (e) Experience in developing academic courses within two years preceding course approval using behavioral objectives and knowledgeable of adult education learning principles.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference Sections 4530 and 4531, Business and Professions Code.

**HISTORY**

1. Amendment filed 3-3-78, effective thirtieth day thereafter (Register 78, No. 9).

**2540.5 Course Completion Certificates and Reporting**

- (a) All providers shall issue to continuing education course graduates written certification of completion of the course.
- (b) The licensee must submit information on completion of the required thirty hours of continuing education showing the name of the approved course, name and license number of the licensee, and the date the course was taken.

NOTE: Authority cited: Section 4504, Business and Professions Code. Reference Sections 4530 and 4531, Business and Professions Code.

**HISTORY**

1. Amendment of subsection (b) filed 3-3-78, effective thirtieth day thereafter (Register 78, No. 9).

**2540.6. Expiration of Licenses.**

- (a) On and after July 1, 1980, licenses issued under the Vocational Nursing Act will expire unless the licensees submit proof, satisfactory to the board, of satisfactory completion of 30 hours of approved continuing education.

- (b) On and after July 1, 1980, a licensee whose license has expired may, if the requirements of Section 2892.1 of the Code are met, reinstate her license within five years of the expiration of her license if she submits proof, satisfactory to the board, that during the preceding two-year period the applicant has informed herself of developments in the vocational nurse field or in any special area of vocational nurse practice engaged in by such applicant occurring since the issuance of her license, or the last renewal thereof, whichever last occurred, by completion of thirty (30) hours of continuing education approved by the board.

NOTE: Authority cited: Section 2854, Business and Professions Code. Reference Section 2892.5, Business and Professions Code.

**HISTORY**

1. Amendment filed 10-7-77, effective thirtieth day thereafter (Register 77, No. 41).

§ 2540.7  
(p. 192.2.4)

VOCATIONAL NURSE AND PSYCHIATRIC  
TECHNICIAN EXAMINERS

TITLE 16

(Register 81, No 17—4-25-81)

**2540.7. Exemption from Continuing Education Requirements.**

(a) At the time of making application for renewal, an applicant for exemption from the continuing education requirements shall make such application on a form prescribed by the board.

(b) The applicant must show evidence satisfactory to the board, that during the two-year period immediately prior to the expiration date of the applicant's vocational nurse license, he or she

(1) Has been residing in another country for a period of one year or longer reasonably preventing completion of continuing education requirements, or

(2) Has been absent from California because of military or missionary service for a period of one year or longer preventing completion of continuing education requirements, or

(3) Should be exempt from the continuing education requirements for reasons of health or other good cause

NOTE. Authority cited Business and Professions Code Section 2892.5 Reference Business and Professions Code Section 2892.5

**HISTORY**

1 New section filed 5-18-79, effective thirtieth day thereafter (Register 79, No 20)

**Article 8 Intravenous Therapy**

**2542. Definition.**

As used in this Article (a) "Intravenous fluids" means fluid solutions of electrolytes, nutrients, vitamins, blood and blood products,

(b) "Superimpose" means to connect a container of intravenous fluid to tubing through which another container of intravenous fluid has just been administered

NOTE Authority cited Section 2854, Business and Professions Code Reference Sections 135, 2860.5, Business and Professions Code

**HISTORY**

1 New Article 8 (Sections 2542-2542.5) filed 12-4-75, effective thirtieth day thereafter (Register 75, No 49)

**2542.1. Intravenous Therapy**

(a) A licensed vocational nurse, when directed by a physician and surgeon, may start and superimpose intravenous fluids if the conditions of Section 2860.5(c)(2) of the Code are met and the licensed vocational nurse has either completed a prescribed course of instruction in intravenous therapy approved by the Board or demonstrated competence in intravenous therapy to the satisfaction of the Board

(b) The Board will consider a licensed vocational nurse as competent to start and superimpose intravenous fluids who has completed one of the following.

(1) A course of instruction in intravenous therapy approved by the Board, which has established to the satisfaction of the Board that it includes instruction in the practice of venipuncture as defined in Section 2542.3(b)

(2) A course of instruction in intravenous therapy approved by the Board, not including instruction in the practice of venipuncture, who submits verification, satisfactory to the Board that the nurse has been instructed in the practice of venipuncture, as defined in Section 2542.3(b), by one of the persons specified in Section 2542.4

## § 2811 BUSINESS AND PROFESSIONS CODE

### § 2811. Renewals, fees, expiration and reinstatement

(a) Each person holding a regular renewable license under this chapter, whether in an active or inactive status, shall apply for a renewal of his license and pay the biennial renewal fee required by this chapter each two years on or before the last day of the month following the month in which his birthday occurs, beginning with the second birthday following the date on which the license was issued, whereupon the board shall renew the license.

(b) Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing.

(c) A license in an inactive status may be restored to an active status if the licensee meets the continuing education standards of Section 2811.5.

(Amended by Stats. 1974, c 923, p 1937, § 2, Stats 1976, c 1053, § 6, urgency, eff. Sept. 20, 1976)

Continuing education, see 16 Cal. Admin. Code 1450 et seq.

### § 2811.5 Renewals, proof of continuing education, regulations establishing standards

(a) Each person renewing his license under the provisions of Section 2811 shall submit proof satisfactory to the board that, during the preceding two-year period, he or she has been informed \* \* \* of the developments in the registered nurse field or in any special area of practice engaged in by such licensee, occurring since the \* \* \* last renewal thereof, \* \* \* either by pursuing a course or courses of continuing education in the registered nurse field or relevant to the practice of such license, and approved by the board, or by other means deemed equivalent by the board. In lieu of submitting such proof, the license holder, if he or she so desires, may take and successfully complete an examination given by the board designed to test his or her knowledge of development occurring in the registered nurse field since the \* \* \* last renewal thereof \* \* \*

(b) For purposes of this section, the board shall, by regulation, establish standards for continuing education. The standards shall be established in a manner to assure that a variety of alternative forms of continuing education are available to licensees including, but not limited to, academic studies, in-service education, institutes, seminars, lectures, conferences, workshops, extension studies, and home study programs. The standards shall take cognizance of specialized areas of practice. The continuing education standards established by the board shall not exceed 30 hours of direct participation in a course or courses approved by the board, or its equivalent in the units of measure adopted by the board.

(c) This section shall not apply to licensees during the first two years immediately following their \* \* \* initial licensure in California or any other governmental jurisdiction.

(d) The board may, in accordance with the intent of this section, make exceptions from continuing education requirements for licensees residing in another state or country, or for reasons of health, military service, or other good cause.

This section shall become operative on July 1, 1978.

(Added by Stats 1974, c 923, p 1938, § 4, operative July 1, 1978. Amended by Stats 1976, c 1053, p 4680, § 7, urgency, eff. Sept. 20, 1976, operative July 1, 1978, Stats 1978, c 212, p 457, § 3, urgency, eff. June 6, 1978, operative July 1, 1978.)

Underline indicates changes or additions by amendment

Continuing education, see 16 Cal Adm Code 1450 et seq

Former § 2811.5, added by Stats 1974 c 923, p 1937, § 3, relating to similar subject matter, expired on June 30, 1978 under the provisions of the last paragraph of the section which read "This section shall have no force or effect after June 30, 1978."

Derivation: Former § 2811.5, added by Stats 1974, c 923, p 1937, § 3

#### Library references

Physicians and Surgeons § 5(2)  
C J S Physicians and Surgeons §§ 13, 22

#### 1 In general

Board of registered nursing does not have authority to accredit nursing education programs beyond licensure which admit only registered nurses working toward bachelor of science degree in nursing 58  
Ops Atty Gen 388, 6-10-75

### § 2811.6 Continuing education programs, records of courses; inspection

Providers of continuing education programs approved by the board pursuant to Section 2811.5 shall make available for board inspection records of continuing education courses given to registered nurses  
(Added by Stats 1978, c 167, p 396, § 1)

#### Library References

Physicians and Surgeons § 4 5  
C J S Physicians and Surgeons §§ 6, 12

### § 2812 Monthly report and disposition of collections

Within 10 days after the beginning of each month, the board shall report to the State Controller the amount and source of all collections made under the provisions of this chapter. At the same time, all such amounts shall be paid into the State Treasury, where they shall be placed to the credit of the \* \* \* Board of Registered Nursing \* \* \* Fund

(Amended by Stats. 1974, c 632, p 1484, § 9)

### § 2814. Appropriation of fund

All money in the \* \* \* Board of Registered Nursing \* \* \* Fund is hereby appropriated to carry out the provisions of this chapter, and the promotion of nursing education in this state

(Amended by Stats. 1974, c 632, p 1484, § 10)

### § 2815. Fee schedule

Subject to the provisions of Section \* \* \* 128.5, the amount of the fees prescribed by this chapter in connection with the issuance of licenses for registered nurses under its provisions is that fixed by the following schedule

(a) The fee to be paid upon the filing of an application for a license shall be \* \* \* fixed by the board at not more than fifty dollars (\$50)

(b) The fee to be paid for taking each examination shall be fixed by the board at not more than sixty-five dollars (\$65)

(c) The biennial fee to be paid upon the filing of an application for renewal of the license shall be not more than \* \* \* fifty dollars (\$50)

\* \* \* (d) The penalty fee for failure to renew a license within the prescribed time shall be fixed by the board at not more than 50 percent of the regular renewal fee, but not more than twenty-five dollars (\$25)

\* \* \* (e) The fee to be paid for approval of a continuing education \* \* \* provider shall be fixed by the board at not more than \* \* \* one hundred fifty dollars \* \* \* (\$150)

(f) The biennial fee to be paid upon the filing of an application for renewal of provider approval shall \* \* \* be fixed by the board at not more than one hundred fifty dollars (\$150)

Asterisks \* \* \* indicate deletions by amendment



**BOARD OF REGISTERED NURSING**  
 1020 N STREET, SACRAMENTO, CALIFORNIA 95814  
 TELEPHONE (916) 322-3350



TO: ALL INTERESTED PARTIES  
 FROM: BOARD OF REGISTERED NURSING  
 SUBJECT: CONTINUING EDUCATION REGULATIONS

These regulations have been revised to clarify the Board's continuing education program and to make it more effective. The primary purpose of continuing education is to improve the quality of nursing care being delivered to the consumer public. This purpose will be more effectively accomplished by restricting continuing education course offerings to subjects which are related to nursing and patient care.

In addition, these regulations implement a new system of approval through approving providers of continuing education courses rather than prior review of individual courses. It is expected that this system will substantially reduce the cost, time, and paperwork for both providers and the Board with resultant benefits to nurses and the public. The revised regulations clarify the requirements for the continuing education provider approval.

Providers whose BRN numbers are currently active must comply with the revised regulations according to the effective date of each section. Providers should be aware that certain previously approved courses will not be acceptable for continuing education credit after May 1, 1982, because of major changes in course criteria, as stated in Section 1456.

**ARTICLE 2. REGISTRATION AND EXAMINATION**

**1417. Fees.**

Pursuant to Sections 2815 and 2815.5 of the Code, the following fees are established:

- |  |                            |
|--|----------------------------|
| (a) The fee for approval of a continuing education provider.....\$100                        | Effective<br>March 1, 1982 |
| (b) Fee for renewal of continuing education provider approval.....\$100                      | Effective<br>April 1, 1982 |
| (c) Application fee for examination taken in lieu of a continuing education program.....\$50 | Unchanged                  |



## ARTICLE 5. CONTINUING EDUCATION

1450.

1. "Continuing Education" means the variety of forms of learning experiences, including, but not limited to, lectures, conferences, academic studies, inservice education, institutes, seminars, workshops, extension studies, and independent/home study programs undertaken by registered nurses for relicensure. These learning experiences are meant to enhance the knowledge of the registered nurse in the practice of nursing in direct and indirect patient care.
2. "Course" means a systematic learning experience, at least one hour in length, which deals with and is designed for the acquisition of knowledge, skills, and information in direct and indirect patient care.
3. "Content Relevant to the Practice of Nursing" means content related to the development and maintenance of current competency in the delivery of nursing care as specified in Section 1456. Effective May 1, 1982.
4. "Independent/Home Study Courses" means continuing education courses offered for individual study by an approved provider.
5. "Hour" means at least fifty (50) minutes of participation in an organized learning experience;
6. "Approved Providers" means those individuals, partnerships, corporations, associations, organizations, organized health care systems, educational institutions, or governmental agencies offering continuing education as approved by the Board.

### 1451. License Renewal Requirements.

(a) Pursuant to Section 2811 of the Code, each licensee shall pay the renewal fee and submit proof, satisfactory to the Board that during the preceding renewal period or preceding two years, the licensee has started and successfully completed thirty (30) hours of continuing education approved by the Board.

(b) In lieu of submitting such proof, the licensee may take and must successfully complete an examination given by the Board and designed to test current knowledge in the registered nursing field. A licensee who fails the examination must successfully complete thirty (30) hours of continuing education approved by the Board before his/her active license can be renewed. The examination may not be repeated within any one renewal cycle.

(c) Licensees shall submit proof to the Board of successful completion of the required number of approved continuing education hours by signing a statement under penalty of perjury, indicating compliance and agreeing to supply supporting documents on request.

(d) Licensees shall not be allowed to claim partial credit for a continuing education course, however, instructors who participate in a part of an offering may receive full credit if the total offering is attended.

(e) Licensees shall keep the certificates or gradeslips from academic institutions pursuant to Section 1459(a) for four years from the date they complete approved continuing education courses and must submit such certificates or gradeslips to the Board when requested.

(5) Adopts New Section 1451.1 as follows:

1451.1. Expiration of Licenses.

(a) Licenses issued by the Board will expire unless renewed. To renew a license, the applicant shall submit proof, satisfactory to the Board of completion of thirty (30) hours of continuing education and shall pay the renewal fee.

(b) A licensee who participates in and successfully completes a continuing education course which overlaps a renewal period may apply the credit earned for the renewal period in which the course ends.

(c) An expired license may, within eight years of the date of expiration, be reinstated by the Board if the applicant meets the requirements of Section 2811 of the Code and is otherwise eligible to obtain a reinstatement, and if the applicant submits proof, satisfactory to the Board that during the two year period preceding the application for reinstatement, the applicant has been informed of developments in the registered nurse field or in any special area of practice engaged in by such applicant occurring since the issuance of the license, or the last renewal thereof, whichever last occurred, by completion of thirty (30) hours of continuing education approved by the Board.

(d) In lieu of submitting such proof, the licensee may take and successfully complete an examination given by the Board designed to test knowledge of developments occurring in the registered nurse field since the issuance of the license, or the last renewal thereof, whichever last occurred.

(e) After expiration of such eight-year period the Board requires as a condition of reinstatement that the applicant pass an examination as it deems necessary to determine the applicant's present fitness to resume the practice of nursing.

(6) Adopts New Section 1451.2 as follows:

1451.2 Continuing Education Courses.

(a) Continuing Education course credit may be given for the following continuing education courses:

1. Courses offered by an approved Provider as specified in Section 1454. In addition to classroom courses, courses may be designed by an approved Provider for participation in activities which include nursing practice, publishing and/or research, provided that such courses meet the requirements of Section 1456.

2. Out of state courses which have been approved for voluntary or mandatory continuing education by Registered Nurse licensing agencies of other states and/or state nurses' associations, as well as offerings by nationally recognized health associations and/or their regional subdivisions provided that such courses meet the requirements of Section 1456.

3. Out of state academic courses in an accredited\* post-secondary institution which are related to the specific knowledge and/or technical skills required for the practice of nursing. Effective January 17, 1982.

4. Other courses as may be approved by the Board at its sole discretion.

\*Minimum requirement is regional accreditation.

(7) Repeal existing Section 1452 and Adopt New Section 1452 as follows:

1452. Exemption from Continuing Education Requirements.  
Effective January 17, 1982.

(a) During the first two years immediately following initial licensure in California or other jurisdictions, licensees shall be exempt from completion of the continuing education requirements specified in Section 1451.

(b) At the time of making application for renewal, an applicant may request exemption from continuing education requirements if:

1. The licensee is requesting inactive status for the license; or

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2. The licensee can show evidence, satisfactory to the Board that

(a) he or she has been employed overseas for a period of one (1) year or more, or a resident overseas for a period of one (1) year or more and currently employed;

or

(b) he or she is employed by a Federal Institution or Agency or one of the Military Services (USA), where that person is practicing nursing outside of the State of California on a California license,

or

(c) he or she has had hardship of one or more years' duration, if

1. there is a total physical disability of one (1) year or more and verification of readiness or ability to return to work;

or

2. there is a total disability of a member of the immediate family for whom licensee has total responsibility for one (1) year or more.

(8) Repeal existing Section 1453 and Adopt New Section 1453 as follows:

1453. Falsifying Renewal Application. A licensee who falsifies or makes a material misrepresentation of fact on a renewal application will be subject to disciplinary action as provided for in Section 2750 of the Business and Professions Code. Effective January 17, 1982.

(9) Repeal existing Section 1454 and Adopt New Section 1454 as follows:

1454. Approved Providers.

(a) For the purpose of this Article, the title "approved provider" can only be used when an individual, partnership, corporation, association, organization, organized health care system, educational institution or governmental agency, having committed no act which would lead to disciplinary action pursuant to Section 1463, has submitted a provider application on forms supplied by the Board, remitted the appropriate fee and has been issued a provider number. Effective March 1, 1982.

(b) An individual, partnership, corporation, association, organized health care system, governmental agency, educational institution and other organizations may be issued only one provider number; provided, however, that any autonomous entity within such organization may be issued one provider number. Effective March 1, 1982.

(c) An approved provider shall have a written and published policy, available on request, which provides information on:

1. refunds in cases of non-attendance
2. time period for return of fees
3. notification if course is cancelled. Effective July 1, 1982.

(d) The approved provider is required to accept full responsibility for each and every course, including, but not limited to record-keeping, advertising course content as related to Board standards, issuance of certificates and instructor qualifications. When two or more providers co-sponsor a course, only one provider number shall be used for that course and that provider must assume full responsibility for record-keeping, advertising course content as related to Board standards, issuance of certificates and instructor(s) qualifications. Effective March 1, 1982.

(e) Providers may not grant partial credit for continuing education. Effective January 17, 1982.

(f) Approved providers shall keep the following records for a period of four years in one location within the State of California, or in a place approved by the Board:

1. course outlines of each course given
2. record of time and places each course given
3. course instructor vitae or resumes
4. name and license number of registered nurses taking approved course and a record of any certificate issued to them. Effective March 1, 1982.

(g) Approved providers must notify the Board, within thirty (30) days, of any changes in organizational structure of a provider and/or the person(s) responsible for the provider's continuing education courses(s), including name and address changes. Effective March 1, 1982

(h) Provider approval is non-transferable. Effective January 17, 1982

(i) The Board shall audit records, courses, instructors and related activities of a provider. Effective January 17, 1982.

(10) Repeal existing Section 1455 and Adopt New Section 1455 as follows:

1455. Continuing Education Hours. The Board will accept hours of approved continuing education on the following basis:

(a) Each hour of theory shall be accepted as one hour of continuing education.

(b) Each three hours in course-related clinical practice will be accepted as one hour of continuing education.

(c) Courses less than one (1) hour in duration will not be approved.

(d) One (1) CEU (continuing education unit) is equal to ten (10) continuing education contact hours.

(e) One (1) academic quarter unit is equal to ten (10) continuing education hours.

(f) One (1) academic semester unit is equal to fifteen (15) continuing education hours. Effective January 17, 1982

(11) Repeal existing Section 1456 and Adopt New Section 1456 as follows:

1456. Continuing Education Courses. The content of all courses of continuing education must be relevant to the practice of nursing and must:

(a) be related to the scientific knowledge and/or technical skills required for the practice of nursing, or

(b) be related to direct and/or indirect patient/client care.

(c) Learning experiences are expected to enhance the knowledge of the Registered Nurse at a level above that required for licensure. Courses related to the scientific knowledge for the practice of nursing include basic and advanced courses in the physical, social, and behavioral sciences, as well as advanced nursing in general or specialty areas. Content which includes the application of scientific knowledge to patient care in addition to advanced nursing courses may include courses in related areas,

i.e., human sexuality; death, dying, and grief; foreign languages (conversational); therapeutic interpersonal relationship skills; pharmacology; and those related to specialty areas of nursing practice.

Courses in nursing administration, management, education, research, or other functional areas of nursing relating to indirect patient/client care would be acceptable.

Courses which deal with self-improvement, changes in attitude, financial gain, and those courses designed for lay people are not acceptable for meeting requirements for license renewal. Effective May 1, 1982.

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(12) Repeal existing Section 1457 and Adopt New Section 1457 as follows:

**1457 Instructor Qualifications.**

(a) It is the responsibility of each approved provider to use qualified instructors.

(b) Instructors teaching approved continuing education courses shall have the following minimum qualifications:

1. The registered nurse instructor, shall

- a. hold a current valid license to practice as a registered nurse and be free from any disciplinary action by this Board, and
- b. be knowledgeable, current and skillful in the subject matter of the course as evidenced through

(1) holding a baccalaureate or higher degree from an accredited college or university and validated experience in subject matter.

or

(2) experience in teaching similar subject matter content within the two years preceding the course.

or

(3) have at least one year's experience within the last two years in the specialized area in which he/she is teaching.

2. The non-nurse instructor, shall

- a. be currently licensed or certified in his/her area of expertise if appropriate, and
- b. show evidence of specialized training, which may include, but not be limited to a certificate of training or an advanced degree in given subject area, and
- c. have at least one year's experience within the last two years in the practice of teaching of the specialized area in which he/she teaches.

3. Nothing in this Section exempts an individual from the legal requirements of the California Nursing Practice Act. Effective January 17, 1982

(13) Repeal and Adopt New Section 1458 as follows:

1458 Course Verification.

(a) Approved providers shall issue a document of proof, i.e., gradeslip, or transcript to each licensee to show that the individual has met the established criteria for successful completion of a course.

(b) A certificate or diploma documenting successful completion shall contain the following information:

1. Name of student and registered nurse license number or other identification number.
2. Course title.
3. Provider name (as approved by the Board), address, and provider number.
4. Date of course.
5. Number of continuing education contact hours.
6. Signature of instructor and/or provider, or provider designee.
7. This document must be retained by the licensee for a period of four years after the course concludes.

(c) Course verification must be issued within a reasonable length of time after the completion of the course, not to exceed ninety days. Effective January 17, 1982.



(14) Adopted New Section 1459 as follows:

1459 Advertisement. Information disseminated by approved providers publicizing continuing education shall be true and not misleading and shall include the following:

1. The statement "Provider approved by the California Board of Registered Nursing, Provider Number \_\_\_\_\_ for \_\_\_\_\_ contact hours."
  2. Provider's policy on refunds in cases of non-attendance by the registrant.
  3. A clear, concise description of the course content and/or objectives.
  4. Provider name as officially on file with the Board. Effective May 1, 1982.
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1459.1 Withdrawal of Approval.

(a) The Board may withdraw its approval of a provider or deny a provider application for causes which include, but are not limited to, the following:

1. Conviction of a felony or any offense substantially related to the activities of a provider.
2. Failure to comply with any provision of Chapter 6, Division 2, of the Business and Professions Code and/or Chapter 14 of Title 16 of the California Administrative Code.

(b) Any material misrepresentation of fact by a continuing education provider or applicant in any information required to be submitted to the Board is grounds for withdrawal of approval or denial of an application.

(c) The Board may withdraw its approval of a provider after giving the provider written notice setting forth its reason for withdrawal and after affording a reasonable opportunity to be heard by the Board itself and after giving thirty (30) days written notice of the specific charges to be heard.

(d) Should the BRN deny the provider approval, applicant has the opportunity to formally appeal the action to the Board within a thirty (30) day period. Effective January 17, 1982.

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# NURSING HOME ADMINISTRATOR

## BUSINESS AND PROFESSIONS CODE

§ 3940

### § 3924. Reregistration; lapse; additional training

(a) Every holder of a nursing home administrator's license shall reregister biennially, on dates specified by the board, by making application for reregistration. In the event that the license of an individual is not reregistered within three years from the \* \* \* date of expiration, it shall lapse and such individual shall again apply for licensing and meet all requirements of this chapter as for a new applicant.

(b) A condition of reregistration shall be the presentation of proof by the licensee that he has attended the number of classroom hours of approved continuing educational programs, classes, seminars, or proceedings as set by the board. The board, in its discretion, may except from continuing education requirements, the licensees who for reasons of health, military service, or other good cause cannot meet such requirements. Each such waiver granted shall be for the current reregistration period only.

(c) A licensee may reregister pursuant to this chapter, although he may not currently be actively engaged in nursing home administration.  
(Amended by Stats 1976, c. 1186, p. 5327, § 8)

## ARTICLE 4 DISCIPLINARY PROCEEDINGS

### § 3930. Grounds for denial, suspension or revocation of license

The board may deny, or may suspend or revoke, a license upon any of the following grounds:

(a) Gross negligence

(b) Incompetence

(c) The conviction of any crime involving \* \* \* dishonesty, \* \* \* or which is substantially related to the qualifications, functions, or duties of a nursing home administrator. A conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(d) Using fraud or deception in applying for a license or in taking the examination provided for in this chapter.

(e) Treating or attempting to treat any physical or mental condition without being currently licensed to do so.

(f) Violating Section 650 of the Business and Professions Code, any provision of this chapter or any rule or regulation of the board adopted pursuant to this chapter.

(g) Lack of any qualification requirement for the license.

(Amended by Stats 1976, c. 1186, p. 5327, § 9)

Criteria for rehabilitation after denial, suspension or revocation of license, see 16 Cal Adm Code § 119. Disciplinary action, see 16 Cal Adm Code § 175.5 et seq.

## ARTICLE 5. FEES

### § 3940. Schedule

The amount of the fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for a nursing home administrator's license is not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50).

(b) The initial fee for a license is not less than fifty-five dollars (\$55) nor more than one hundred dollars (\$100).

(c) The renewal fee is not less than \* \* \* one hundred fifty dollars \* \* \* (\$150) nor more than one hundred ninety dollars \* \* \* (\$190).

(d) The delinquency fee is twenty-five dollars (\$25).

(e) The reexamination fee is not less than ten dollars (\$10) nor more than thirty dollars (\$30).

(f) The administrator-in-training permit fee is not less than twenty-five dollars (\$25) nor more than seventy-five dollars (\$75).

Asterisks \* \* \* indicate deletions by amendment.

ADMINISTRATIVE CODE

TITLE 16

BOARD OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS

Article 5 Revenue

**3140. Renewal.** (a) Licenses of nursing home administrators shall expire at twelve o'clock p.m. on June 30 of each even-numbered year if not in each instance renewed.

(b) To renew an unexpired license the licensee shall not later than thirty (30) days prior to the date on which it would otherwise expire apply for re-registration on a form provided by the Board, accompanied by the renewal fee prescribed in Section 3940 of the Code and, except as otherwise herein provided, proof of completion of forty (40) classroom hours of continuing education consisting of the following:

(1) Twelve (12) classroom hours (six (6) classroom hours each calendar year) of programs developed by the Board and offered by a Board recognized sponsor, this requirement may be waived at the discretion of the Board.

(2) Twenty-eight (28) classroom hours of Board approved courses, workshops, or seminars offered by Board recognized sponsors. If the Board waives the requirement in (1) above, this requirement shall be forty (40) classroom hours of Board approved courses, workshops, or seminars offered by Board recognized sponsors.

(c) Continuing education requirements set forth in subsection (b) above are based on calendar quarters and are reduced on a pro-rata basis for licensees whose licenses were issued during the licensure period as follows:

(1) Licensees whose licenses were issued during the first three (3) months of the licensure period are required to complete forty (40) classroom hours of continuing education. There is a corresponding reduction of five (5) hours of required continuing education for each succeeding calendar quarter during the licensure period, except that:

(2) Licensees whose licenses were issued within ninety (90) days of the date their licenses would otherwise expire (that is, during the final calendar quarter of the licensure period), are exempted from the continuing education requirements contained in this section at the time of the first renewal of their licenses.

NOTE: Authority cited: Sections 3917, 3924(b), 3930(f) and 3940, Business and Professions Code. Reference: Sections 3924(b), 3930(f) and 3940, Business and Professions Code.

*History:* 1. Amendment filed 1-21-77, effective thirtieth day thereafter (Register 77, No. 4). For prior history see Register 74, No. 14.

2. Amendment of subsections (b) and (c) filed 11-16-78, effective thirtieth day thereafter (Register 78, No. 46).

**TITLE 16****BOARD OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS****§ 3156  
(p 281)****(Register 81, No 45—11-7-81)****3144. Revoked License.**

A revoked license is subject to expiration as provided in these regulations, but may not be renewed. If it is reinstated more than thirty (30) days after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay, in addition to the renewal fee, a delinquency fee.

**NOTE** Reference Section 3930, Business and Professions Code

**HISTORY**

- 1 Amendment filed 1-21-77, effective thirtieth day thereafter (Register 77, No 4)

**Article 6 Continuing Education****3150. Applications for Approval.**

Applications for approval to conduct courses, seminars or work shops in continuing education shall be submitted to the Board at its principal office in Sacramento on forms provided by the Board not later than 90 days prior to the first class session. The Board may, for good cause shown, accept applications submitted less than 90 days prior to the first class session.

**HISTORY**

- 1 New Article 6 (§§ 3150, 3152, 3156) filed 6-20-72, effective thirtieth day thereafter (Register 72, No 26)

**3152. Approval and Withdrawal of Approval.**

(a) The Board shall give written notification of the approval of a course, seminar, or workshop in continuing education to the director or person in charge thereof, which approval shall remain in effect until such time as it may be withdrawn.

(b) If a program is not approved, the applicant shall be so notified in writing and afforded a reasonable opportunity to correct the deficiencies noted.

(c) If there is any change in the content, format, structure, or instructors of an approved program, the Board shall be so notified forthwith.

(d) After notice and an opportunity to be heard, the Board may withdraw approval of any program of continuing education, and the director or person in charge thereof shall be so notified in writing.

**3156. Miscellaneous Credit**

(a) Each week served as a Preceptor-Administrator in an approved administrator-in-training program, regardless of the number of administrators-in-training who are concurrently in training, shall count as one hour of continuing education credit toward meeting the classroom hour requirement under Section 3140(b) (2). No more than twenty (20) classroom hours may be acquired pursuant to this subsection.

(b) Each classroom hour completed as an instructor of an approved continuing education program shall count as one hour of continuing education credit toward meeting the classroom hour requirement under Section 3140(b) (2). No more than sixteen (16) classroom hours may be acquired pursuant to this subsection.

**NOTE** Authority cited Sections 3917, 3924(b), 3930(f) and 3940, Business and Professions Code. Reference Sections 3916 and 3924, 3924(b), 3930(f) and 3940, Business and Professions Code.

**HISTORY**

- 1 Amendment filed 4-3-74, designated effective 7-1-74 (Register 74, No 14)
- 2 Amendment of subsection (a) filed 1-21-77, effective thirtieth day thereafter (Register 77, No 4)
- 3 Amendment filed 11-16-78, effective thirtieth day thereafter (Register 78, No 46)

## BUSINESS AND PROFESSIONS CODE

§ 3059

## § 3054. Grading, re-examination

No applicant shall be passed by the board who fails to obtain a grade of 75 percent, as determined by the board, in every section or test of the examination in which he is required to be examined as provided in this chapter and in rules and regulations promulgated by the board. In case any applicant fails to pass any examination, he shall be examined in the next or any succeeding examination held during the next five years only in any sections or tests in which he failed to obtain a grade of \* \* \* 75 percent

(Amended by Stats 1978, c 1161, p 3655, § 216, Stats 1979, c 788, p 2686, § 1)

1978 Amendment Deleted from the end of the section authority to require refresher study before reexamination

1979 Amendment Substituted "75 percent" for "85 percent at the end of the second sentence

## § 3055. Issuance and duration of certificate

\* \* \* All applicants, without discrimination, who satisfactorily pass the examination, shall thereupon be registered in the board's register of optometrists and a certificate of registration shall be issued to each one. The certificate shall continue in effect through the date provided in Section 3146 which next occurs after its issuance, when it shall expire unless it is renewed in the manner provided in that section. \* \* \*

(Amended by Stats 1978, c 872, p 2739, § 9)

## § 3057 Repealed by Stats. 1972, c 827, p 1475, § 1, Stats 1972, c 1285, p. 2558, § 16

Stats 1972 c 1285, p 2558, § 17 amended by Stats 1973, c 667, p 1089, § 2, Stats 1974, c 545, p 1360 § 277, provided

"Notwithstanding any other provision of law, the State Board of Optometry shall permit a person who meets all the following requirements to take the examination for a certificate of registration as an optometrist

"(a) Is over the age of 18 years

"(b) Is of good moral character

"(c) Has a degree as a doctor of optometry issued by a school located in another state that was not accredited by the board

at the time of the issuance of the degree and that was subsequently merged into a school that is so accredited at the time of application

"(d) Has been licensed to practice optometry in the state in which the school from which he graduated is located

"(e) Pays the fee specified in subdivision (b) of Section 3152 of the Business and Professions Code

"(f) Has been a resident of California for five years at the time of the application

"The provisions of this section shall be operative until December 31, 1975, and on such date shall be repealed "

## § 3057.5 Examination for certificate; graduate of school of foreign country

Notwithstanding any other provision of this chapter, the board shall permit a person who meets all of the following requirements to take the examination for a certificate of registration as an optometrist

(a) Is over the age of \* \* \* 18 years.

(b) Is not subject to denial of a certificate under Section 480

(c) Has a degree as a doctor of optometry issued by a university located outside of the United States

Nothing contained in this section shall be construed to prohibit the board from refusing to permit a person meeting the above requirements to take such examination if, in the opinion of the board, the course of instruction at the institution issuing him the degree of doctor of optometry was not reasonably equivalent to that required of applicants for the examination who have graduated from a college or university located in the United States

(Amended by Stats 1978, c 1161, p 3656, § 217, Stats 1979, c 788, p 2686, § 2)

1978 Amendment. Substituted, in the first sentence, the word "any" for the word "by" in the phrase "Notwithstanding any other provision" and rewrote subd (b)

1979 Amendment. Substituted "18 years" for "21 years" in subd (a)

## § 3059 Continuing education, requirement for renewal of license, exceptions, exemption

(a) On and after July 1, 1974, if the board determines that the public health and safety would be served by requiring all holders of licenses to practice optometry granted under the provisions of this chapter to continue their education after

Asterisks \* \* \* indicate deletions by amendment

**§ 3059****BUSINESS AND PROFESSIONS CODE**

receiving such license, it may require, as a condition to the renewal thereof, that they submit proof satisfactory to the board that they have, during the preceding year, informed themselves of the developments in the practice of optometry occurring since the original issuance of their licenses by pursuing one or more courses of study satisfactory to the board or by other means deemed equivalent by the board

(b) The board may, in accordance with the intent of this section, make exceptions from continuing education requirements for reasons of health, military service, or other good cause

(c) If for good cause compliance cannot be met for the current year, the board may grant exemption of compliance for that year, provided that a plan of future compliance that includes current requirements as well as makeup of previous requirements is approved by the board

(Amended by Stats 1971, c. 403, p. 980, § 1)

**ARTICLE 4 REGISTRATION****§ 3070 Address of optometrist, notice by mail**

Before engaging in the practice of optometry, each registered optometrist shall notify the board in writing of the address or addresses where he is to engage, or intends to engage, in the practice of optometry and, also, of any changes in his place of practice. The practice of optometry is the performing or the controlling of any of the acts set forth in Section 3041. Any notice required to be given by the board to any registered optometrist may be given by United States mail to this address, postage thereon prepaid

(Amended by Stats 1979, c. 788, p. 2686, § 3)

1979 Amendment Added the second sentence

**§ 3075 Display of certificate, multiple offices**

(a) Each holder of a certificate of registration or a certification of issuance of his certificate of registration shall keep it conspicuously posted in his office or place of practice at all times

(b) The board may, by rule or regulation, provide that, when the holder of a certificate of registration has more than one office or place of practice or is employed to practice optometry in more than one office or place of practice and it is infeasible to have his certificate of registration or a certification of issuance of his certificate of registration posted in more than one of such offices or places of practice, he shall have such other evidence as may be prescribed by the board that he is licensed to practice optometry in California conspicuously posted in each of such additional offices or places of practice which he has or where he is employed to practice optometry. When the board is requested by a holder of a certificate of registration or certification of issuance of his certificate of registration to issue such other evidence that he is licensed to practice optometry, the board may charge a fee not to exceed \* \* \* twenty-five dollars (\$25) for each issuance of such other evidence

(Amended by Stats 1976, c. 602, p. 1446, § 1, urgency, eff. Aug. 27, 1976)

**§ 3077 Office, branch offices, rules and regulations****1. In general**

An optometrist who is registered in this state and working as an instructor in an accredited school of optometry in this state may utilize the school's facilities to maintain a private practice so long as he registers the school's facility as his principal place of practice, or secures a branch office license for the school's facility. 57 Ops Atty Gen 629, 12-31-74

**2. Branch offices**

An optometrist operating multiple branch offices pursuant to the 'grandfather clause' contained in this section, may not transfer those branch offices to any optometric corporation. 57 Ops Atty Gen 284, 6-7-74

Underline indicates changes or additions by amendment

ADMINISTRATIVE CODE

**TITLE 16**

**OSTEOPATHIC EXAMINERS**

(Register 80, No. 40—10-4-80)

**Article 12 Continuing Education**

**1695. Continuing Medical Education Required.**

In order to insure the continuing competence of osteopathic physicians and surgeons licensed by the Board of Osteopathic Examiners, the Board hereby adopts the following standards for continuing medical education of its certificate holders. The Board shall require certificate holders to demonstrate satisfaction of the continuing medical education requirements at three-year intervals, as defined in section 1695 (c), (e) and (h).

(a) Each physician applying for relicensure under the provisions of Section 3600.1 of the California Business and Professions Code shall submit satisfactory proof to the Board of compliance with the provisions of this article at the times specified herein

(b) As used in this article, "annual renewal period" is defined as that period provided for in Section 1 of the Osteopathic Initiative Act of 1922 requiring the licensee to pay to the Board an "annual tax and registration fee prescribed by law", in order to maintain a professional license

(c) As used in this article, "CME requirement period" is defined as a three (3) year period during which a physician shall have completed a required number of hours of approved continuing medical education as a condition to the annual renewal of license.

(d) As a condition to maintaining a valid license, physicians licensed on or before January 1, 1977, shall have completed their first CME requirement period on or before December 31, 1979. All other licensed physicians shall measure their first CME requirement periods in accordance with Section 1695(f). Thereafter, continuing medical education requirement periods for all physicians shall be as described in Section 1695(c).

(e) Of the total number of hours a physician must complete in order to satisfy the CME requirements, a minimum of twenty-five (25) hours of approved continuing medical education shall be completed within EACH calendar year. Failure to comply with this sub-section shall constitute grounds for denial of renewal of the physician's license.

(f) Any physician who is licensed for only part of a CME requirement period shall complete a total of fifty (50) hours of continuing medical education for each calendar year of the CME requirement period, in which he/she is licensed. This requirement applies to those physicians licensed after January 1, 1977.

(g) A maximum of one-third ( $\frac{1}{3}$ ) of the required hours of continuing medical education may be satisfied by teaching a program approved by the Board.

(h) A physician shall complete 150 credit hours to satisfy the CME requirement period, of which credit hours a minimum of sixty (60) hours shall be osteopathically-oriented Category I credit. It is additionally required that all physicians possess an annually renewable Cardio-pulmonary Resuscitation certificate, including Airway Clearance Techniques. Hours devoted to acquiring said certificate may be applicable to Category I credit.

(i) Credit hours earned shall be applicable only to the current CME requirement period and may not be applied to a previous or succeeding CME requirement period.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats 1923, p. xcm, Section 1). Reference Sections 163.4, 480, 481, 487, 490, 2217, 2316.6, 2320, 2417, 2458, 2493, 2494, 2496 and 3600.1, 3600.2, Business and Professions Code and Section 1 of the Osteopathic Act (Initiative Measure Stats 1923, p. xcm).

**HISTORY**

1. New Article 12 (Sections 1695-1695.4) filed 4-11-78, effective thirtieth day thereafter (Register 78, No. 15).

2. Amendment filed 9-30-80, effective thirtieth day thereafter (Register 80, No. 40).

**1695.1. Approved Continuing Medical Education Programs.**

(a) Subsequent to submission and review by the Board, the following CME programs MAY be approved for credit.

(1) Programs which qualify for Category I credit as determined by the Board. The Board usually accepts as Category I and II credit the American Osteopathic Association (AOA) CME guidelines

(2) Programs which qualify for prescribed credit from the American Osteopathic Association (AOA) specialty groups

(3) Programs which are offered by Board approved organizations and institutions.

NOTE Authority cited Osteopathic Act (Initiative Measure, Stats 1923, p xciii, Section 1) Reference Sections 163 4, 480, 481, 490, 2217, 2316 6, 2320, 2417, 2458, 2493, 2494, 2496 and 3600-1, 3600-2, Business and Professions Code and Section 1 of the Osteopathic Act (Initiative Measure Stats 1923, p xcui)

**HISTORY**

1 Amendment filed 9-30-80; effective thirtieth day thereafter (Register 80, No 40)

**1695.2. Criteria for Approval of CME Programs.**

(a) Each program in which a licensee participates shall be administered in a responsible, professional manner

(b) Programs referred to in Section 1695 1 (a) (3) shall be measured on a clock-hour to clock-hour basis and shall meet the following criteria in order to be approved by the Board

(1) Faculty The program organizer shall have a faculty appointment in an educational institution accredited or approved pursuant to Sections 94310 or 94312 of the Education Code, or be qualified in other specialized fields directly related to the practice of medicine. The curriculum vitae of all faculty members and organizers shall be kept on file

(2) Rationale The need for the program and how the need was determined shall be clearly stated and maintained on file

(3) Program Content Program content shall be directly related to patient care, community or public health.

(4) Educational Objectives. Each program shall clearly state educational objectives that can be realistically accomplished within the framework of the program.

(5) Method of Instruction Teaching methods for each program shall be described, e.g., lecture, seminar, audio-visual, simulation, workshops or other acceptable modalities.

(6) Evaluation: Each program shall include an evaluation method which documents that educational objectives have been met, e.g., written evaluation by each participant (questionnaire)

(c) Physicians participating in individual programs shall regularly apply to the Board to receive credit for such programs. The Board will not give prior approval to programs. The Board may audit programs and require program organizers to submit to the Board evidence of compliance with Section 1695.2 prior to approval of said program.

(d) Credit toward the required hours of continuing medical education will not be received for any program deemed unapprovable by the Board after an audit has been made pursuant to this section

(e) Physicians or other consumers who believe that the continuing medical education program does not meet the criteria as specified in the regulations may file a complaint with the Board of Osteopathic Examiners, 921 11th Street, Suite 1201, Sacramento, California 95814, (916) 322-4306

NOTE Authority cited. Osteopathic Act (Initiative Measure, Stats 1923, p xciii, Section 1) Reference Sections 163 4, 480, 481, 490, 2217, 2316 6, 2320, 2417, 2458, 2493, 2494, 2496 and 3600-1, 3600-2, Business and Professions Code and Section 1 of the Osteopathic Act (Initiative Measure Stats 1923, p xcui)

**HISTORY**

1 Amendment filed 9-30-80; effective thirtieth day thereafter (Register 80, No 40)



**1695.3. Report of Continuing Medical Education Received.**

Physicians shall report the total number of continuing medical education credits to the Board on an annual basis. This may be accomplished by.

(a) The physician sending the Board a copy of their AOA Individual Activity Report, or

(b) Sending the Board copies of any certificates given for attendance at any program approved by the Board

(c) Reports from any program approved by the Board, to be furnished by the physician, showing his attendance as verified by the program organizer

NOTE. Authority cited Osteopathic Act (Initiative Measure, Stats 1923, p xciii, Section 1) Reference Sections 163 4, 480, 481, 490, 2217, 2316 6, 2320, 2417, 2458, 2493, 2494, 2496 and 3600-1, 3600-2, Business and Professions Code and Section 1 of the Osteopathic Act (Initiative Measure Stats 1923, p xciii)

**HISTORY**

1 Amendment filed 9-30-80, effective thirtieth day thereafter (Register 80, No 40)

**1695.4. Waiver of Requirement.**

(a) Upon submittal of an application for waiver of continuing medical education requirements, the Board may, at its discretion, waive any of the requirements outlined in this Article. Applications for waivers must be submitted on an annual basis to the Board for consideration.

(b) Any physician who submits an application for waiver which is denied by the Board shall be eligible for relicensure under the terms and conditions prescribed by the Board

NOTE. Authority cited Osteopathic Act (Initiative Measure, Stats 1923, p xciii, Section 1) Reference Sections 163 4, 480, 481, 490, 2217, 2316 6, 2320, 2417, 2458, 2493, 2494, 2496 and 3600-1, 3600-2, Business and Professions Code and Section 1 of the Osteopathic Act (Initiative Measure Stats 1923, p xciii)

**HISTORY**

1 Amendment filed 9-30-80, effective thirtieth day thereafter (Register 80, No 40)

**1695.5. Out-of-State Continuing Medical Education Inactive Status.**

A physician who is not currently practicing in the State of California and does not intend to practice in this state during any given CME requirement period, may place his license on an inactive status. Each physician must submit the current out-of-state fee, but will not be required to submit proof of continuing medical education. Said license may be held on inactive status for a period of three (3) years—one full CME requirement period. Requests for inactive status shall be made EACH CME requirement period. A physician on inactive status moving into the State of California to engage in practice shall become IMMEDIATELY responsible for submitting the correct amount of credits due for the current CME requirement period

NOTE. Authority cited Osteopathic Act (Initiative Measure, Stats 1923, p xciii, Section 1) Reference Sections 163 4, 480, 481, 490, 2217, 2316 6, 2320, 2417, 2458, 2493, 2494, 2496 and 3600-1, 3600-2, Business and Professions Code and Section 1 of the Osteopathic Act (Initiative Measure Stats 1923, p xciii)

**HISTORY**

1 New section filed 9-30-80, effective thirtieth day thereafter (Register 80, No 40)

**§ 4092 BUSINESS AND PROFESSIONS CODE**

§ 4092 Repealed by Stats 1979, c. 437, p. 1562, § 7

§ 4094. Notice of change of address or name

Law Review Commentaries  
Female surnames (1973) 6 U C D Law  
Rev 405

§ 4097. Performance of duties by intern pharmacists, regulations, supervision  
Evaluation of pharmaceutical experience,  
see 16 Cal Adm Code 1728

**ARTICLE 45 CONTINUING EDUCATION**

§ 4098 Existence of committee, membership, appointment; per diem and expenses; terms

There is under the jurisdiction of the State Board of Pharmacy a Committee for the Continuing Education of Pharmacists, consisting of six members appointed by the State Board of Pharmacy for a term of two years

The membership shall be appointed with equal representation from the State Board of Pharmacy, the faculty of colleges of pharmacy in the State of California, and practicing pharmacists within the state. Such members shall receive the per diem and expenses provided for in Section 103 \* \* \*  
(Amended by Stats 1978, c. 1161, p. 3665, § 246)

§ 4098.1 Repealed by Stats. 1978, c. 1161, p. 3666, § 247

§ 4098.5 Completion of approved courses prior to renewal of certificate

Courses and materials, see 16 Cal Adm  
Code 1732.5 et seq

§ 4098.6 Repealed by Stats 1980, c. 559, p. —, § 4

§ 4099 Recommendations, form and content of course

The committee shall \* \* \* make recommendations to the board regarding the form, subject matter, and content of courses that shall be necessary for obtaining approval pursuant to the provisions of the article

The courses shall be in the form of postgraduate studies, institutes, seminars, lectures, conferences, workshops, extension studies, correspondence courses and other similar methods of conveying continuing professional pharmaceutical education

Such subject matter shall be pertinent to the socioeconomic and legal aspects of health care, the properties and actions of drugs and dosage forms and the etiology, and characteristics and therapeutics of the disease state

The subject matter of such courses may include, but shall not be limited to, the following: pharmacology, biochemistry, physiology, pharmaceutical chemistry, pharmacy administration, pharmacy jurisprudence, public health and communicable diseases, professional practice management, anatomy, histology and such other subject matter as represented in curricula of accredited colleges of pharmacy  
(Amended by Stats 1978, c. 1161, p. 3666, § 247.5)

Courses and materials, see 16 Cal Adm  
Code 1732.5 et seq

1978 Amendment. Changed the power of the committee to that of making recommendations instead of rules and regulations.

Underline indicates changes or additions by amendment

**TITLE 16**  
(Register 77, No. 3—1-15-77)

**PHARMACY**

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Chapter 17, may be waived as to an accredited school of pharmacy recognized by the Board if the Dean of said school has filed with the Board an experimental plan or program which specifies the particular provisions to be waived, and which has been approved by the Board.

(b) Any plan or program approved by the Board shall have: definite time limitations, progress reports which shall be filed as required by the Board.

(c) The Board may rescind approval and terminate said plan or program at its discretion, at any time it may deem the public interest is not fully protected, nor shall any such plan or program be approved by the Board if such proposal might jeopardize public health or welfare or conflict with provisions of Chapter 9, Div 2, Business and Professions Code

NOTE Authority cited Sections 4008, 4008.1, 4008.2, Business and Professions Code Reference Sections 4008, 4008.1, 4008.2, 4084.5, 4084.6 and 4416, Business and Professions Code

History 1 New section filed 4-24-70, effective thirtieth day thereafter (Register 70, No 17) For prior history see Register 66, No 23

**Article 45 Continuing Education**

**1732. Definitions.** As used in this article

(a) Accredited continuing education means those courses or materials which have been reviewed and accredited by the Board or its representatives

(b) Acceptable (Non-Accredited) continuing education means those courses or materials meeting the requirements of Section 4099 of the Code and offered by a recognized provider.

(c) Recognized provider means any person, group, employer, institution or organization approved by the Board to offer accredited or acceptable (non-accredited) continuing education.

(d) The word "hours" means clock hours as specified by the provider in the case of Acceptable (non-accredited) courses or as approved by the Board in the case of accredited courses

(e) The Board shall designate an organization or organizations to review material submitted to support a request for coursework to be designated accredited, which may recommend to the Board whether such courses should be accredited

NOTE Authority cited Sections 4008, 4008.1, 4008.2, 4085, 4098.3 and 4333, Business and Professions Code Reference Sections 4047.9, 4099, 4211 and 4333, Business and Professions Code

History 1 New Article 45 (Sections 1732-1732.4) filed 8-3-73, designated effective 11-1-73 (Register 73, No 31) For history of former section, see Register 21, No 7

2 New subsections (d) and (e) filed 1-12-77, effective thirtieth day thereafter (Register 77, No 3)

**1732.1. Recognition.** (a) Any health professional school accredited by the licensing board of the particular health profession involved, or accredited by an appropriate national or regional accreditation agency is, without application, a recognized provider of continuing education

(b) Any provider other than an accredited health professional school shall apply for recognition to the Board on a form provided by the Board prior to offering any continuing pharmaceutical education. Notice of recognition will be made by mail.

(c) Recognition may be withdrawn upon failure of the provider to meet the requirements of this Article or Article 4.5 of Pharmacy Law.

(d) A recognized provider may state that it is "recognized" by the California State Board of Pharmacy as a provider of continuing education material for pharmacists.

*History 1* Amendment of subsection (b) and new subsection (d) filed 1-12-77, effective thirtieth day thereafter (Register 77, No. 3)

**1732.2. Renewal.** Except as provided in Section 4098.7 of the Code, each holder of a license, permit or registration shall submit with his application for renewal proof satisfactory to the Board that he has subsequent to the last renewal thereof completed 30 hours of accredited and/or acceptable (non-accredited) courses or materials in continuing education. The 30 hours required must include at least, but is not limited to, 15 hours of accredited courses or materials. No more than 15 hours of acceptable (non-accredited) courses or materials will be allowed to comprise the 30 hour requirement.

**1732.3. Exemptions.** Licensees seeking exemption from the requirements set forth in Section 4098.7 of the Code on the basis of emergency or hardship shall apply to the Board in writing for such exemption, setting forth the justification therefor as soon as possible.

**1732.4. Records.** (a) All recognized providers shall maintain a record of attendance of courses in continuing education provided by them for not less than four years and shall furnish each attendant who successfully completes the course written evidence of such completion.

(b) All licensees shall retain written evidence or other records of courses completed for not less than four years following completion of such courses.

(c) All providers of continuing education coursework must furnish a certificate of completion to all participants. The certificate must contain the name of participant, name of provider, description of coursework, number of completed hours, date of completion, and course designation.

*History 1* New subsection (c) filed 1-12-77, effective thirtieth day thereafter (Register 77, No. 3)

**1732.5. Scope of Material.** Subject material of such courses shall include but not be limited to those courses and subject matter outlined in Section 4099 of the Business and Professions Code.

**NOTE** Authority cited Sections 4008, 4008.1, 4008.2, 4085, 4098.3 and 4333, Business and Professions Code. Reference Sections 4047.9, 4099, 4211 and 4333, Business and Professions Code.

*History 1* New section filed 1-12-77, effective thirtieth day thereafter (Register 77, No. 3)

**TITLE 16****BOARD OF PHARMACY**

§ 1732.7

(Register 81, No. 5—1-31-81)

(p. 152 3)

**1732.6. Providers of Acceptable (Non-Accredited) Coursework.**

(a) Acceptable (non-accredited) coursework must be sponsored by a recognized provider who is not in any manner affiliated with any manufacturer or distributor of supplies or services used in the practice of pharmacy

(b) The provider is responsible for the course content and its relevancy to the practice of pharmacy. The provider may state with respect to this coursework: "This coursework is classified as Acceptable (non-accredited) under the continuing education requirements of California State Board of Pharmacy."

(c) Providers of Acceptable (non-accredited) programs shall submit to the Board within sixty (60) days after presentation or release of the program the following information: number of participants, date, time, and location of the presentation, number of hours awarded, brief description of the program including the objective of the presentation, evaluation of the program (objective results of the examination if offered, subjective appraisal), format of presentation and fee charged

(d) Providers of Acceptable (non-accredited) material which is not presented at a specific time and place (e.g., home study courses) shall submit to the Board on a semi-annual basis the following information: number of known California pharmacists who have completed the course, number of known California pharmacists currently enrolled, brief description of the course material, number of hours awarded at completion of course, result of evaluation (objective results of the examination, if offered, subjective appraisal), format of program and fee charged

NOTE Authority cited Sections 4008, 4008 1, 4008 2, 4085, 4098 3 and 4333, Business and Professions Code Reference Sections 4047 9, 4099, 4211 and 4333, Business and Professions Code

**HISTORY**

1 New section filed 1-12-77, effective thirtieth day thereafter (Register 77, No 3)

**1732.7. Providers of Accredited Coursework.**

(a) The provider is responsible for furnishing all material as may be deemed necessary by the Board, to the Board or its designee for review. The provider will be notified if the coursework is to be designated Accredited

(b) Upon receipt of such notification the following is the only statement referring to California's Accredited CE programs which may appear in advertisements: "This course has been designated "ACCREDITED" by the California State Board of Pharmacy for \_\_\_\_ hours of credit (designation expires on \_\_\_\_)." Accreditation expires two years after assigned unless renewed.

(c) In order to be designated Accredited, coursework shall be sponsored by a recognized provider, include a certificate of completion, include some mechanism whereby participant can evaluate comprehension of material, provide all enrollees simultaneous to presentation or distribution of the course with a sound and complete syllabus which as a minimum shall contain the instructional objectives for each program segment and a summary or outline containing the main points for each topic, maintain a list of all participants for four (4) years from date of presentation or release, and in the judgment of the Board consist of material which is accurate, orderly, complete, and applicable to pharmacy and of sufficient technical quality

NOTE Authority cited Sections 4008, 4008 1, 4008 2, 4085, 4098 3 and 4333, Business and Professions Code Reference Sections 4047 9, 4099, 4211 and 4333, Business and Professions Code

**HISTORY**

1 New section filed 1-12-77, effective thirtieth day thereafter (Register 77, No 3)

§ 1732.8  
(p 152 4)

BOARD OF PHARMACY

TITLE 16  
(Register 81, No 5-1-81)

**1732.8. Accreditation Procedure.**

(a) A provider wishing to have a course designated "Accredited" shall submit to the reviewing administrator all material as may be deemed necessary by the Board

(b) The required material shall be forwarded by the administrator to the reviewer who shall examine the material to determine if it meets the requirements specified in the law and regulations and prepare a report of his findings and recommendations

(c) The Board of Pharmacy's Continuing Education Committee will receive the reviewer's report. If the Committee determines there was a failure on the part of the provider to meet the requirements of this section, it may require such action as may be deemed appropriate under the circumstances

NOTE Authority cited Sections 4008, 4008 1, 4008 2, 4085, 4098 3 and 4333, Business and Professions Code Reference Sections 4047 9, 4099, 4211 and 4333, Business and Professions Code

**HISTORY**

1 New section filed 1 12-77, effective thirtieth day thereafter (Register 77, No 3)

**1732 9. Accreditation Procedure Waiver.**

The requirement that each hour of accredited coursework be submitted to the Board or its designee for review and approval of the Committee on Continuing Education may be waived for recognized providers who meet the criteria established by the Board.

NOTE Authority cited Sections 4008, 4008 1, 4008 2, 4085, 4098 3 and 4333, Business and Professions Code Reference Sections 4047 9, 4099, 4211, and 4333, Business and Professions Code

**HISTORY**

1 New section filed 1 12-77, effective thirtieth day thereafter (Register 77, No 3)

**Article 5 Prophylactics**

NOTE Authority cited Section 4312, Business and Professions Code Reference Sections 4300-4325, Business and Professions Code

**HISTORY**

1 Repealer of Sections 1733 through 1739, and new Sections 1733 through 1739 filed 11-3-55, designated effective 2 1-56 (Register 55, No 16) For prior history, see Register 28, No 4

2 Amendment filed 7-24-75, effective thirtieth day thereafter (Register 75, No 30)

3 Repealer of Article 5 (Sections 1733-1738) filed 1-28-81, effective thirtieth day thereafter (Register 81, No 5)

**Article 6 Dangerous Drugs**

**1744. Warnings to be Given When a Drug is Dispensed Which May Impair a Person's Ability to Drive a Motor Vehicle When Taken Alone or With Alcohol.**

A Pharmacist shall inform the patient or his representative orally or in writing of the possible harmful effects of taking prescribed drugs listed in subsections (a), (b), and (c) in combination with alcohol. The Board may amend sub-sections (a), (b), and (c) by addition or deletion of classes of drugs as the need arises



## CALIFORNIA STATE BOARD OF PHARMACY

1021 O STREET, SACRAMENTO, CALIFORNIA 95814

TELEPHONE (916) 445 5014

**CONTINUING EDUCATION REQUIREMENTS**

The following is a statement of policies of the California State Board of Pharmacy. It is based upon Chapter 9, Article 4.5, of the Business and Professions Code, and Section 1732 of Title 16, regulations, adopted by the Board of Pharmacy.

The objective is to implement the mandatory continuing education requirement adopted by the California Legislature during the 1971 Session.

**SCOPE OF MATERIAL**

The broad scope of Pharmacy Continuing Education (CE) includes subject matter pertinent to the socioeconomic and legal aspects of health care, the properties and actions of drugs and dosage forms, and the etiology and characteristics and therapeutics of the disease state. The Law states that this subject matter, "may include, but shall not be limited to, the following: Pharmacology, biochemistry, physiology, pharmaceutical chemistry, pharmacy administration, pharmacy jurisprudence, public health and communicable diseases, professional practice management, anatomy, histology, and other subject matter as represented in the curricula of the accredited colleges and schools of pharmacy. Topic matter outside of these areas shall be subject to acceptance or rejection by the Board of Pharmacy."

**PROVIDER CONCEPT**

Meaningful courses or programs are organized by an individual or group who is termed a provider. A California pharmacist can become a provider of CE programs or material if he chooses to assume provider responsibilities; these are outlined in sections to follow.

**I. REQUIREMENTS FOR PHARMACISTS**

A. Each pharmacist must obtain thirty (30) hours of continuing education during the biennial renewal period. There are two types of material allowed for pharmacy continuing education: ACCREDITED and ACCEPTABLE (Non-Accredited).

Accredited programs will be reviewed under direction of the Board. At least 15 of the 30 hours must consist of material "Accredited" under the accreditation system unless excepted under Section I, B.

Acceptable (Non-Accredited) programs are programs in which both the material offered and the providers offering it meet the guidelines for "Acceptable" (Non-Accredited) Programs" and the providers award participants CE credits. Unless excepted under Section I, B., not more than 15 hours of the Acceptable (Non-Accredited) courses may be used to fulfill California's 30 hour requirement.

These designations, Accredited and Acceptable (Non-Accredited) are not value designation per se. Acceptable (Non-Accredited) programs may prove to exceed the quality of Accredited programs; Acceptable (Non-Accredited) only means that the program has NOT been reviewed by the Board.

CE credit may be derived from a variety of formats: lectures or seminars either live, audio or video taped as well as correspondence courses. The material may be learned in a meeting room with a group of pharmacists or privately in the individual's home. The provider of the program chooses the designation of his material.

Providers of Accredited courses are allowed to state in their announcements, "This course has been designated ACCREDITED by the California State Board of Pharmacy for \_\_\_\_ hours of credit (designation expires on \_\_\_\_)".

Notifications of Acceptable (Non-Accredited) courses will state, "This coursework is classified as ACCEPTABLE (Non-Accredited) under the continuing education guidelines of the California State Board of Pharmacy. \_\_\_\_ hours of credit have been assigned by the provider."

The word "hours" means clock hours as specified by the provider in the case of Acceptable (Non-Accredited) courses or as approved by the Board in the case of Accredited courses.

Providers of courses will furnish certificates to each individual participant. Certificates are to be kept by individual pharmacists for four (4) years as a record of attendance.

At the end of the renewal period licensees will be required to furnish a statement of the number and type (Accredited or Acceptable (Non-Accredited)) of hours completed during the period on a form furnished by the Board. A random sample of licensees will be required to furnish copies of their certificates.

Lists of Accredited courses are available from the State Board of Pharmacy.

#### B. Exceptions

1. Recent Graduates - An individual is exempt from the continuing education requirements for two (2) years after receiving his degree in pharmacy from an accredited school. At the end of this exemption period, he must complete a quantity of hours proportional to the number of months until the next biennial renewal date. (For example, if the two year exemption expires 20 months prior to the end of the current license renewal period, the individual must complete 20/24ths of the required 30 hours, which is equal to 25 hours. Of this 25 hours at least 50% must be in the Accredited designation.)

2. New California Licentiates Not Covered by IB,1 - New licentiates who are not recent graduates, must complete a quantity of hours proportional to the number of months until the next biennial renewal date.



3. Hardship - Hardship exemptions may be granted by the Board of Pharmacy upon receipt of evidence that the individual was unable to complete the requirements due to circumstances beyond his control.

4. Health Profession Students - All required hours may be in the "Acceptable (Non-Accredited)" designation provided the student has attended at least 30 hours of classroom instruction during the biennial period.

5. Out-of-State [REDACTED] - All required hours may be in the "Acceptable (Non-Accredited)" designation for the portion of the biennial renewal period that is spent out-of-state [REDACTED]

6. Practicing a Health Profession other than Pharmacy - All required hours may be in the "Acceptable (Non-Accredited)" designation for licensees who do not practice pharmacy but do practice a health profession during the biennial renewal period.

## II. REQUIREMENTS FOR PROVIDERS

A. A provider is an individual or group responsible for the organization, production, transmission and/or presentation of CE material. The Board does not award CE hours; a provider performs this function.

All providers must be recognized as providers by the Board of Pharmacy. Recognition may be obtained by notifying the Board of intent to provide continuing education courses and asking for recognition. Notice of recognition will be made by mail.

A recognized provider may state that it is "recognized" by the California State Board of Pharmacy as a provider of continuing education material for pharmacists.

All accredited health profession schools are considered recognized without notification to the Board.

Recognition may be denied or withdrawn by the Board for failure to furnish material as advertised, or for failure to furnish material relevant to the practice of the profession of Pharmacy, or for failure to complete its responsibilities under paragraph B and C below, or other such actions as may be deemed inappropriate.

All providers of continuing education coursework must furnish a certificate of completion to all participants. The certificate must contain the following information:

1. Name of Participant
2. Name of Provider
3. Description of Coursework
4. Number of completed hours (No more than one (1)  
CE hour credit may be awarded for 60 minutes of participation in a CE program.
5. Date of completion
6. Course designation (Accredited or Acceptable (Non-Accredited))

## B. Providers of "Acceptable (Non-Accredited)" Coursework

Acceptable (Non-Accredited) coursework must be sponsored by a recognized provider who is not in any manner affiliated with any manufacturer or distributor of supplies or services used in the practice of Pharmacy.

The Provider is responsible for the course content and its relevancy to the practice of Pharmacy. The provider may state with respect to this coursework: "This coursework is classified as ACCEPTABLE (NON-ACCREDITED) under the continuing education requirements of California State Board of Pharmacy".

Providers of Acceptable (Non-Accredited) programs will submit to the Board within 60 days after presentation or release of the program the following information:

1. Number of Participants
2. Date, Time and Location of the presentation
3. Number of hours awarded
4. Brief description of the program including the objective of the presentation
5. Evaluation of the program
  - a. objective results of the examination if offered
  - b. subjective appraisal
6. Format of presentation
7. Fee charged

Providers of Acceptable (Non-Accredited) material which is not presented at a specified time and place (e.g. home study courses) will submit to the Board on a semi-annual basis the following information:

1. Number of known California pharmacists who have completed the course
2. Number of known California pharmacists currently enrolled
3. Brief description of the course material.
4. Number of hours awarded at completion of course.
5. Result of evaluation (See #5 above)
6. Format of the program
7. Fee charged

## C. Providers of "Accredited" Coursework

The provider is responsible for furnishing the required material to the Board or its designee for review. (refer to Sections III, IV, V) Within 90 days of receipt of the required material, the provider will be notified if the coursework is to be designated "Accredited".

Upon receipt of such notification the following is the only statement referring to California's "Accredited" CE programs which may appear in advertisements: "This course has been designated "ACCREDITED" by the California State Board of Pharmacy for \_\_\_\_ hours of credit (designation expires on \_\_\_\_)." Accreditation expires two years after assigned unless renewed.

In order to be designated Accredited, coursework must:

1. Be sponsored by a recognized provider
2. Include a certificate of completion
3. Include some mechanism whereby participant can evaluate comprehension of material
4. Provide all enrollees simultaneous to the presentation (or distribution) of the course with a sound and complete syllabus which as a minimum shall contain:
  - a. The instructional objectives for each program segment
  - b. A summary or outline containing the main points for each topic.
5. In the judgment of the Board consist of material which is accurate, orderly, complete, and applicable to pharmacy and of sufficient technical quality.

In addition, the provider must:

1. Keep a list of all participants for four (4) years.
2. Use only wording approved by the Board when referring to California requirements.

### III. APPROVAL SYSTEM

#### A. Administration

The Board of Pharmacy will designate an organization or organizations to be reviewing administrators for material submitted to support a request for coursework to be designated Accredited.

The Board will approve panels of reviewers to whom the reviewing administrators will submit material for evaluation.

It is expected that the administrative function will be a no profit - no loss endeavor for the body(s).

#### B. Submission of Required Material

A provider wishing to have a course designated Accredited must submit the following material to the reviewing Administrator:

1. Certificate of completion
2. All printed or recorded material that will be distributed to participants, which includes a syllabus containing the instructional objectives for each program segment and a summary or outline containing the main points for each topic.
3. Biographical material on individuals responsible for course content
4. A copy of the testing instrument (eg. examination)
5. Estimation of hour value

The material will then be transmitted to Board approved panelists, evaluated and results transmitted to applicant within 90 days of receipt of reviewable material.

IV. The following procedure for accreditation of live lecture, seminar and/or demonstration type programs may be used in lieu of methods described in Section III.

A. The provider shall forward to the administrator the following information which, when provided, will result in the designation of Accredited.

1. Title of program
2. Name of provider
3. The goals of the program
4. The specific objectives of each segment of the program
5. How it is expected the enrollee will use the information presented
6. Instructors' biographical data/background
7. Instruction techniques and format
8. Who is expected to attend
9. Date, time and place of the program
10. Proposed certificate
11. Hours requested
12. Reviewing fee

B. The administrator will scan the above information provided for completeness. If complete, the Administrator will notify the provider within 14 days that the program is accredited. If not complete, the Administrator will notify the provider. If questions arise, they will be referred to the Chairman of the Board of Pharmacy's Continuing Education Committee or his designee on the Committee.

C. Within thirty (30) days after presentation of any portion of the program, the provider shall, with respect to that portion, submit to the Administrator the following:

1. Title of Program
2. Name of provider
3. A copy of the syllabus which was distributed to the attendees (which shall as a minimum contain the instructional objectives for each program segment and a summary or outline containing the main points for each topic.
4. Evaluation instrument/mechanism (See Section II C, 3)
5. Description of audio or visual materials employed.
6. Number of attendees
7. Any changes in the material furnished under paragraph A

Providers are encouraged to include clearly audible tape recordings of the program.

The material specified in paragraph A and C shall be forwarded by the Administrator to the reviewer. The reviewer shall examine the material to determine if it meets the objectives specified in the continuing education law, regulations and policies and prepare a report of his findings.

D. The Board of Pharmacy's Continuing Education Committee will receive this report. If the Committee determines that good faith was not maintained or there was a failure to meet the standards, it may require any of the following:

1. An explanation from the provider
2. An appearance by the provider before the Committee
3. That the provider be required to follow the procedure specified in Section III for all future programs
4. Discontinuance of recognition of the provider
5. Such other action as it may deem appropriate under the circumstances

V. Accreditation System for providers with demonstrated ability to consistently comply with the Board of Pharmacy regulations, rules and policies concerning accredited coursework.

A. Accreditation Procedure Waiver - The requirement that each hour of accredited coursework be submitted to the appointed accreditation evaluation service (AES) for evaluation and approval of the Committee on Continuing Education may be waived for recognized providers who have met the following criteria:

1. The provider has submitted no less than 50 hours of coursework to AES for evaluation, and has received the approval of the Committee on Continuing Education for no less than 50 hours of accredited coursework. Accredited coursework which has been transferred from another provider shall not be counted towards meeting this requirement (See Miscellaneous policies of the Board of Pharmacy's Continuing Education Committee October 29, 1974, Policy No. 7)
2. The provider has not been denied accreditation for 10% or more of the number of hours submitted for accreditation, or has not otherwise demonstrated that he, she or it can be relied upon to consistently meet Board of Pharmacy regulations, rules and policies concerning accredited coursework as determined by the Committee on Continuing Education (e.g. has been placed on notice within the previous six month period that he, she or it is subject to loss of recognized provider status or loss of Section IV privileges).
3. The provider has submitted in writing a request for "Section V privileges" listing the titles and the hours of coursework which meet the criteria of Section V A-1 and the Committee on Continuing Education has reviewed the provider's record, has judged that the provider has met the criteria listed in V A-1 and V A-2, and has notified the provider in writing that he, she, or it has been awarded "Section V privileges".

#### B. Section V Privileges

Coursework which is developed by recognized providers who have met the criteria listed in V-A, and who have been so notified by the Committee on Continuing Education, shall be automatically designated accredited. Except as listed in Section V-F, no accreditation evaluation fee shall be necessary. This privilege is extended on the basis that the provider has demonstrated that he, she, or it is capable of consistently meeting Board of Pharmacy standards for accredited continuing education coursework and on the condition that these standards continue to be met. Except as listed below submission of programs to AES for review shall not be necessary. Upon completion of the development phase of each course, a provider with Section V privileges may publish the official Board of Pharmacy statement concerning accredited coursework (see Section II C).

#### C. Submission of Certain Information Required

A recognized provider with Section V privileges must submit the following information to AES no later than 15 days prior to the first presentation (or release) of each accredited course of topic:

1. The title of the course
2. A statement of its goals, and the anticipated audience
3. The number of accredited hours to be awarded
4. A list of the topics (including the time allotted for each)
5. The name and brief description of the faculty
6. The date and (if appropriate) place of its first presentation (or release)

#### D. Expiration Date for Section V Accredited Coursework

The accreditation date of a course accredited through provisions of Section V shall expire two years from the date of its first presentation (or release). Upon expiration, it shall be considered to be a new course and, if it is to be continued, the provider shall re-submit to AES the information required in C-1 through C-6 (above).

#### E. Retention of Submission materials

For each course accredited under Section V the provider shall keep on file the following materials for the period (2 years) during which each course is designated accredited:

1. Certificate of Completion
2. Evaluation instrument
3. Statement of goals and specific instructional objectives
4. Complete syllabus (which shall as a minimum contain the instructional objectives for each program segment and a summary or outline containing the main points for each topic)
5. Description of audio/visual materials utilized
6. Copy of brochure
7. Faculty qualifications

F. Full Accreditation Submissions required for randomly selected courses  
(25% rule)

A recognized provider with Section V privileges shall be required to submit no less than 25% (approximately 1 in 4) of all accredited courses to AES for full evaluation. The course(s) to be evaluated shall be selected at random by AES and may at times exceed 25% since this percentage shall be based on the number of previous as well as anticipated programs from a provider. In the long run it shall average 1 in 4. No course shall be randomly selected until after its first presentation or release.

Within 5 working days of receiving notice from AES that a designated course has been randomly selected for evaluation, a provider with Section V privileges shall submit to AES all materials which are required for the regular accreditation procedure (See Section III B, IV A,C,D.) and, IN ADDITION, SHALL INCLUDE AUDIO TAPES OF ALL LIVE LECTURES AND PANEL PRESENTATIONS which were presented. The provider shall also enclose usual payment for the evaluation procedure.

G. Randomly Selected Course Cannot be Appealed

A provider who has been notified that a designated course has been randomly selected for evaluation cannot appeal the selection, nor can another course be submitted in its place.

H. Randomly Selected Courses which are Denied Accreditation

A course which has been randomly selected for evaluation, and which is denied accreditation shall lose its accredited status effective on the date that the Committee on Continuing Education acts on the matter.

I. Criteria for Loss of Section V Privileges

A recognized provider with Section V privileges may be subject to loss of these privileges if:

1. The provider should fail to submit to AES the information listed in V-C in conformance to the time restriction, or should fail to re-submit such information at such time as the accreditation date expires (See V-D), should the provider wish to continue making the course available.
2. Upon being notified by AES that a designated course has been randomly selected for evaluation, should fail to submit all materials required for the regular accreditation procedure, INCLUDING AUDIO TAPES OF ALL LIVE LECTURES AND PANEL PRESENTATIONS in conformance to the time restriction (See V-F).
3. The Committee on Continuing Education should deny accreditation to a course which has been randomly selected for evaluation.
4. Substantive evidence is acquired to determine that the provider with Section V Privileges has not consistently met all Board of Pharmacy rules, regulations, and policies concerning accredited coursework.

5. The provider, in any manner, announces that he or she or it is a provider with Section V privileges, or in any manner infers a relationship between this status and the quality of a given program or series of programs.

6. Ownership of the entity doing business under the provider's name is transferred to another person, partnership, organization or corporation.

**J. Loss of Section V Privileges, Additional Requirements**

A provider who loses Section V privileges shall be required to submit all future courses proposed to be accredited through the AES for evaluation. In addition such provider shall be required to submit to AES within 15 days of notice full accreditation materials (including audiotapes of all lectures and panel presentations) and the usual evaluation fee for two additional randomly selected courses which were designated accredited but not evaluated while Section V privileges were in effect. Failure to comply will result in loss of recognized provider status.

**K. Reinstatement**

A provider may be reinstated to Section V Privileges following successful accreditation through AES of a number of course hours, such number to be established by the Committee on Continuing Education, not to exceed 25 hours.

**L. Privileges Not Transferrable**

Section V Privileges are awarded specifically to the entity doing business under the name of the provider and are not transferrable should ownership of that entity be transferred to another person, partnership, organization or corporation.

**M. Section V Accredited Courses not Transferable**

Coursework which has been accredited under the provisions of Section V may not be transferred to another provider (See "Miscellaneous Policies of the Board of Pharmacy's Continuing Education Committee, October 29, 1974 Policy No. 7).

**N. Section V Accredited Courses Not Eligible for Per Topic Accreditation**

Coursework which has been accredited under the provisions of Section V is not eligible for per topic accreditation. Any revision of a course thus accredited, or any solo use of an individual topic from an accredited course shall constitute a new course, and the provider shall submit to AES all information listed in Section V-C.



**BUSINESS AND PROFESSIONS CODE § 2189.11**

Such applicants shall also pass an examination designed to test their clinical competence

(Added by Stats 1980, c 1313, p —, § 2)

Objective type of examination, see 16 Cal. Adm Code 1328

Recommendation of particular coaching or refresher course prohibited, see 16 Cal Adm Code 1330

Derivation Former § 2288 added by Stats 1937, c 414, p 1377, amended by Stats 1951, c 237, p 499, § 1, Stats 1969, c 630 p 2609 § 1, Stats 1965 c 1778 p 3968 § 3, Stats 1971, c 1498, p 2957, § 8

**§ 2184. Number of questions, required grade**

There shall be at least 10 questions on each subject included in the examination  
Each applicant shall obtain at least a score of 75 percent

(Added by Stats 1980, c 1313, p —, § 2)

Derivation Former § 2286, added by Stats 1937, c 414, p 1377, amended by Stats 1941, c 220, p 1291, § 1, Stats 1955, c 894, p 1523, § 1, Stats 1959, c 513, p 2479, § 1, Stats 1973, c 604, p 979 § 3

**§ 2185 Re-examination on failed subjects**

Any applicant for a physician's and surgeon's certificate who obtains a score of at least 75 percent in seven subjects shall be reexamined in those subjects only in which he or she failed and without additional fee

(Added by Stats 1980, c 1313, p —, § 2)

1980 Legislation

Former § 2185 was repealed by Stats 1972, c 933, p 1683, § 4, operative Dec 31, 1974  
For disposition of repealed sections, see Table preceding § 2000

Derivation Former § 2287 added by Stats 1937, c 414 p 1377 amended by Stats 1949, c 233 p 458, § 2, Stats 1951, c 149 p 498, § 4 Stats 1971, c 753 p 1492, § 16

**§ 2185.5 Repealed by Stats 1972, c 933, p 1683, § 4, operative Dec 31, 1974**

For disposition of repealed sections see Table preceding § 2000

**§ 2186. Diplomate of national board of medical examiners; exemption**

An applicant who is a diplomate of the National Board of Medical Examiners shall not be required to take the written examination prescribed by this article, provided such applicant meets the requirements of Section 2151

(Added by Stats 1980, c 1313, p —, § 2)

Former § 2186 was repealed by Stats 1972, c 933, p 1683 § 4 operative Dec 31 1974

For disposition of repealed sections, see Table preceding § 2000

**§§ 2186.5 to 2188 Repealed by Stats 1972, c 933, p 1683, § 4, operative Dec 31, 1974**

For disposition of repealed sections, see Table preceding § 2000

**§§ 2189 to 2189.11 Repealed by Stats 1980, c 1313, p —, § 16**

The repealed sections added by Stats 1980, c 1212, p —, § 1 provided for a physician and surgeon incentive pilot program

**ARTICLE 10 CONTINUING MEDICAL EDUCATION**

**Sec.**

2190 Standards, adoption and administration periods for demonstration of satisfaction of requirements

2190.5 Repealed.

2191 Determination of requirements

2191.5 to 2192.3 Repealed

2192.4 Inoperative

2192.5 Repealed

2192.7 Repealed

2192.8, 2193 Repealed

2193.1 Repealed

2193.4 to 2193.6 Repealed

2193.7 Repealed.

2193.71 to 2193.77 Repealed

2193.78 Repealed

2193.8 Repealed

3 Cal Code—11  
1981 P P

## § 2190 BUSINESS AND PROFESSIONS CODE

Sec.

2193 10 Repealed

2193 15 Repealed

2194, 2194.5 Repealed

2195. Repealed

2196 Detection and treatment of child abuse and neglect, development and dissemination of information and educational material

*Article 10 was added by Stats 1980, c. 1313, p. —, § 2*

### Library References

Physicians and Surgeons § 5(1)

C.J.S. Physicians and Surgeons § 6 et seq

### § 2190. Standards; adoption and administration, periods for demonstration of satisfaction of requirements

In order to insure the continuing competence of licensed physicians and surgeons the Division of Licensing shall adopt and administer standards for the continuing education of such licensees. The division shall require each licensed physician and surgeon to demonstrate satisfaction of the continuing education requirements at intervals of not less than four nor more than six years.

(Added by Stats 1980, c. 1313, p. —, § 2)

Audit and sanctions for noncompliance, see 16 Cal. Adm. Code 1338

Compliance, requirements, see 16 Cal. Adm. Code 1338 et seq

1980 Legislation

Former § 2190 was repealed by Stats 1980, c. 1313, p. —, § 1.6

For disposition of repealed sections, see Table preceding § 2000

Derivation Former § 2101.6, added by Stats 1975, 2nd Ex Sess., c. 1, p. 3955, § 11, amended by Stats 1976, c. 1434, p. 6394, § 1, Stats 1977, c. 962, p. 2914, § 1, Stats 1978, c. 1225, p. 3957, § 2

### § 2190.5 Repealed by Stats 1980, c. 1313, p. —, § 1.6

The repealed section, added by Stats 1976, c. 1195, p. 5302, § 41, amended by Stats 1978, c. 1161, p. 3610, § 77, provided that specified statutory references to "the board, the Board of Medical Examiners, or the divi-

sion" would mean "the Division of Licensing."

For disposition of repealed sections, see Table preceding § 2000

### § 2191. Determination of requirements

(a) In determining its continuing education requirements, the Division of Licensing shall consider including a course in human sexuality as defined in Section 2090 and nutrition to be taken by those licensees whose practices may require knowledge in such areas.

(b) The division shall consider including a course in child abuse detection and treatment to be taken by those licensees whose practices are such that there is a likelihood of contact with abused or neglected children.

(c) The division shall consider including a course in acupuncture to be taken by those licensees whose practices may require knowledge in the area of acupuncture and whose education has not included instruction in acupuncture.

(Added by Stats 1980, c. 1313, p. —, § 2. Amended by Stats 1981, c. 660, p. —, § 1.)

#### 1980 Legislation

Former § 2191 was amended by Stats 1974, c. 371, p. 726, § 3.5, Stats 1978, c. 1161, p. 3610, § 78, and was repealed by Stats 1980, c. 1313, p. —, § 1.6.

For disposition of repealed sections, see Table preceding § 2000

#### 1981 Amendment. Added subsec. (c)

Derivation Former § 2101.6, added by Stats 1975, 2nd Ex Sess., c. 1, p. 3955, § 11, amended by Stats 1976, c. 1434, p. 6394, § 1, Stats 1977, c. 962, p. 2914, § 1; Stats 1978, c. 1225, p. 3957, § 2

### §§ 2191.5 to 2192.3 Repealed by Stats 1980, c. 1313, p. —, § 1.6

Prior to repeal, § 2191.6 was amended by Stats 1978, c. 1161, p. 3611, § 79.

Prior to repeal, § 2192 was amended by Stats 1974, c. 371, p. 726, § 8.7, Stats 1976, c. 297, p. 741, § 1, Stats 1976, c. 1434, p. 6394, § 2, Stats 1977, c. 1130, p. 3628, § 1.5, Stats 1978, c. 1161, p. 3611, § 80; Stats 1978, c. 307, p. 2846, § 1.

Section 2192.1, added by Stats 1977, c. 962, p. 2916, § 3, related to instruction in nutrition in medical schools located outside of California.

Section 2192.1, formerly § 2124.3, added by Stats 1975, 2nd Ex Sess., c. 1, p. 3956, § 14, amended by Stats 1976, c. 1185, p. 6300, § 35, renumbered § 2192.1 and amended by Stats 1978, c. 1161, p. 3599, § 88, provided for the employment of investigators to evaluate the curricula of medical schools. The additional renumbering of § 2192.1 to be § 2192.4 by Stats 1980, c. 676, p. —, § 11, failed to become operative. Subordination of Stats 1980, c. 676, to other 1980 legislation affecting this section, see note under § 22.

Underline indicates changes or additions by amendment

## BUSINESS AND PROFESSIONS CODE § 2193.10

Section 2192.2, added by Stats 1978, c 1302, p 4257, § 1, related to instruction in human sexuality in medical schools outside of California.

Section 2192.3, added by Stats 1976, c 1494, p 6395, § 3, amended by Stats 1978, c

1161, p 3612, § 31, Stats 1979, c 206, p 450 § 1, defined "human sexuality".  
For disposition of repealed sections, see Table preceding § 2000

### § 2192.4 Inoperative

The renumbering of § 2192.1, formerly § 2124.3, to be § 2192.4 by Stats 1980, c 676, p —, § 11, failed to become operative in view of subordination to the repeal of § 2192.1

For subordination of Stats 1980 c 676, to other 1980 legislation affecting this section, see note under § 22

### § 2192.5 Repealed by Stats.1974, c 1044, p. 2242, § 8, urgency, eff. Sept 23, 1974

For disposition of repealed sections, see Table preceding § 2000

### § 2192.7 Repealed by Stats 1978, c 1161, p. 3613, § 82

For disposition of repealed sections, see Table preceding § 2000

### §§ 2192.8, 2193 Repealed by Stats 1980, c 1313, p —, § 1.6

Prior to repeal, § 2192.8 was amended by Stats 1978, c 1161, p 3613, § 83

Section 2193 added by Stats 1974, c 371, p 727, § 5, amended by Stats 1976, c 541, p 1376, § 1, Stats 1978, c 1161, p 3613, § 84, related to applications for licensure by graduates of medical schools in foreign countries other than Canada

Former section 2193 was repealed by Stats 1974, c 371, p 727, § 4 urgency, eff June 28, 1974

For disposition of repealed sections see Table preceding § 2000

### § 2193.1 Repealed by Stats.1974, c. 1044, p 2242, § 8.5, urgency, eff Sept 23, 1974

For disposition of repealed sections, see Table preceding § 2000

### §§ 2193.4 to 2193.6 Repealed by Stats 1980, c 1313, p —, § 1.6

Section 2193.4, added by Stats 1977, c 962, p 2916, § 4, stated legislative intent concerning an increased emphasis on human nutrition in physician licensing examinations

Section 2193.5, added by Stats 1974, c 371, p 728, § 7, amended by Stats 1976, c 541, p 1377, § 2, Stats 1978, c 1161, p 3614, § 85 related to application for licensure as a physician by a citizen or applicant for United States citizenship graduating from a medical school in a foreign country other than Canada

Former § 2193.5 was repealed by Stats 1974, c 371, p 728 § 6, urgency, eff June 28 1974

Section 2193.6 added by Stats 1976 c 1153, p 5214, § 1, amended by Stats 1978, c 1161, p 3616, § 86, Stats 1978, c 1420, p 1688, § 1 exempted from portions of the examination licensed foreign educated medical practitioners

For disposition of repealed sections, see Table preceding § 2000

### § 2193.7 Repealed by Stats 1973, c. 888, p 1643, § 8, operative Dec 31, 1974

### §§ 2193.71 to 2193.77 Repealed by Stats.1980, c. 1313, p. —, § 1.6

The repealed sections, added by Stats 1974, c 261, pp 463, 464, §§ 3 to 5, amended by Stats 1975, c 198, p 560, § 1, Stats 1976, c 985, p 2328, § 1, Stats 1978, c 1161, p 3616, §§ 87 to 89, Stats 1980, c 988 p — § 3, related to internship programs and supervised clinical training for medical schools

Former § 2193.75 was repealed by Stats 1972, c 933, p 1686, § 14, operative Dec 31, 1974

For disposition of repealed sections, see Table preceding § 2000

### § 2193.78 Repealed by Stats.1979, c 373, p 1255, § 5

The repealed section, added by Stats 1974, c 261, p 465, § 6, relating to special internship and an application for a physicians and surgeons certificate pursuant to § 2193.7 as it existed on December 31 1974,

expired by its own terms on Jan 30, 1976, and was repealed by Stats 1979 c 373, p 1255, § 5

For disposition of repealed sections see Table preceding § 2000

### § 2193.8 Repealed by Stats.1974, c. 1044, p. 2242, § 9, urgency, eff. Sept 23, 1974

For disposition of repealed sections, see Table preceding § 2000

### § 2193.10 Repealed by Stats.1980, c 1313, p —, § 1.6

For disposition of repealed sections, see Table preceding § 2000

Asterisks \* \* \* indicate deletions by amendment

## § 2193.15 BUSINESS AND PROFESSIONS CODE

§ 2193.15 Repealed by Stats 1974, c. 1044, p 2242, § 10, urgency, eff. Sept. 23, 1974

For disposition of repealed sections, see  
Table preceding § 2000

§§ 2194, 2194.5 Repealed by Stats 1980, c 1313, p —, § 16

Prior to repeal, §§ 2194, 2194.5 were amended by Stats 1978, c 1161, p 3617, §§ 90, 91 For disposition of repealed sections, see  
Table preceding § 2000

§ 2195 Repealed by Stats 1978, c 1161, p 3618, § 92

For disposition of repealed sections, see  
Table preceding § 2000

§ 2196 Detection and treatment of child abuse and neglect, development and dissemination of information and educational material

The board shall periodically develop and disseminate information and educational material regarding the detection and treatment of child abuse and neglect to each licensed physician and surgeon and to each general acute care hospital in the state. The board shall consult with the Office of Child Abuse Prevention in developing the materials distributed pursuant to this section.

(Added by Stats 1980, c 1313, p —, § 2)

Derivation Former § 21016, added by Stats 1975, 2nd Ex Sess, c 1 p 3955, § 11, amended by Stats 1976, c 1434, p 6394, § 1, Stats 1977 c 962, p 2914, § 1, Stats 1978, c 1225, p 3957, § 2 Former § 2112 added by Stats 1978, c 1225, p 3957, § 3

### ARTICLE 11 PHYSICIAN AND SURGEON INCENTIVE PILOT PROGRAM [NEW]

Sec.

- 2200 Legislative intent
- 2201 Definitions.
- 2202 Administration
- 2203. Number and amount of loans available
- 2204. Requirements for loans
- 2205. Applications for loans
- 2206. Basis for award of loans
- 2208. Repayment or cancellation of loans
- 2209 Death, permanent disability, or inability to engage in gainful activity
- 2210 Interest, terms of repayment of loans.
- 2210.5, 2211 Repealed
- 2212 Failure to pay installment or provide evidence of deferment. assessment of charge
- 2213 Priority areas, study
- 2214 Report
- 2215 to 2217 Repealed.
- 2217.5 Renumbered

Article 11 was added by Stats 1980, c 1313, p —, § 25

Addition of another Article 11 dealing with the same subject by § 15 of Stats 1980, c 1212, p —, failed to become operative under the provisions of § 17 of that Act

#### Library References

Physicians and Surgeons § 1  
CJS Physicians and Surgeons § 3 et seq

§ 2200. Legislative intent

California is currently experiencing a geographical and specialty maldistribution of physicians and surgeons. It is the intent of the Legislature to address these problems by assisting licensed physicians and surgeons in establishing medical practices in areas deficient in physician services and primary care specialties.

(Added by Stats 1980, c 1313, p —, § 25)

#### 1980 Legislation

Addition of another § 2200 by § 15 of Stats 1980, c 1212, p —, failed to become operative under the provisions of § 17 of

that Act, and, in any event, was within the scope of the repeal by Stats 1980, c 1313, p —, § 16

ADMINISTRATIVE CODE

§ 1335

MEDICAL QUALITY ASSURANCE

TITLE 16

(p 134)

(Register 81, No 32--8-8-81)

**1335. Endorsement of Credentials to Another State.**

(a) Any application filed by a licentiate of the board for certification or endorsement of credentials to the medical licensing authority of another state for the purpose of reciprocity licensure shall be accompanied by a photograph of the applicant taken within sixty (60) days. An affidavit form provided by the division shall be signed before a notary public by the applicant and affixed to the reverse side of the photograph.

(b) No endorsement shall be made unless the applicant has signed the required affidavits contained in the application and filed with the division the required endorsement fee.

NOTE Authority cited Section 2018, Business and Professions Code Reference Sections 2433 and 2435, Business and Professions Code

**HISTORY**

- 1 Amendment filed 8-5-81, effective thirtieth day thereafter (Register 81, No 32)

**Article 11 Continuing Education**

**1336. Continuing Education Required.**

(a) Each physician is required to complete an average of at least 25 hours of approved continuing education during each calendar year.

(b) Each physician renewing his or her license under the provisions of Article 19 (commencing with Section 2420) of the Medical Practice Act may be required to submit proof satisfactory to the division of compliance with the provisions of this article a minimum of every four (4) years.

(c) Each physician in order to renew his or her license at each renewal thereof shall report progress towards compliance with the continuing education requirement.

(d) Any physician who cannot complete a minimum of 100 hours of approved continuing education during a four (4) year period shall be ineligible for renewal of his or her license unless such physician applies for and obtains a waiver pursuant to Section 1339 below.

NOTE Authority cited Section 2018, Business and Professions Code Reference Sections 2190 and 2420, Business and Professions Code

**HISTORY**

- 1 New Article 11 (Sections 1336-1339, not consecutive) filed 5-20-77 as an emergency, effective upon filing (Register 77, No 21)
- 2 Certificate of Compliance filed 5-23-77 (Register 77, No 21)
- 3 Amendment filed 11-17-78, effective thirtieth day thereafter (Register 78, No 46)
- 4 Amendment filed 8-5-81, effective thirtieth day thereafter (Register 81, No 32)

**1336.5. CPR Training Required.**

(a) As part of the continuing education required by these rules, in addition to the hours required in Section 1336, each physician at the time of license renewal shall certify that he or she possesses a current and valid certificate in basic cardiopulmonary resuscitation (CPR).

(b) CPR training need not be obtained from a provider approved pursuant to Sections 1337 and 1337.5.

**TITLE 16****MEDICAL QUALITY ASSURANCE****§ 1337.5****(Register 81, No 32—8-8-81)****(p 134 1)**

(c) Each physician shall report compliance with this requirement by (1) certifying to the division that he or she possesses a current certificate issued for completion of a CPR course which meets the standards of the American Heart Association or the American Red Cross or (2) passing a CPR examination administered by the division. Sanctions for noncompliance with this requirement shall be as provided for in Section 1338, subsection (b).

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2190, Business and Professions Code.

**HISTORY**

1 New section filed 6-4-80, effective thirtieth day thereafter (Register 80, No 23). For history of former section, see Register 78, No 46.

2 Amendment of NOTE filed 8-5-81, effective thirtieth day thereafter (Register 81, No 32).

**1337. Approved Continuing Education Programs.**

(a) The following programs are approved by the division for continuing education credit:

(1) Programs which qualify for Category I credit from the California Medical Association or the American Medical Association;

(2) Programs which qualify for prescribed credit from the American Academy of Family Practice;

(3) Programs offered by other organizations and institutions acceptable to the division.

(b) A maximum of one-third of the required hours of continuing education may be satisfied by teaching or otherwise presenting a course or program approved under this section.

(c) Any physician who takes and passes a certifying or recertifying examination administered by a recognized specialty board shall be granted credit for four (4) consecutive years (100 hours) of continuing education credit for recensure purposes. Such credit may be applied retroactively or prospectively.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2190, Business and Professions Code.

**HISTORY**

1 Amendment filed 8-23-77, effective thirtieth day thereafter (Register 77, No 35).

2 Amendment filed 5-29-81, effective thirtieth day thereafter (Register 81, No 22).

**1337.5 Criteria for Acceptability of Courses.**

(a) Those courses and programs referred to in Section 1337(a)(3) above shall meet the following criteria in order to be acceptable to the division on an hour-for-hour basis:

(1) Faculty—The course or program organizer(s) shall have a faculty appointment in a public university or state college or in a private postsecondary educational institution authorized or approved pursuant to Sections 94310 or 94311 of the Education Code. The appointment may be in disciplines other than medicine but directly related to the practice of medicine. The curriculum vitae of all faculty members and other organizers shall be kept on file.

(2) Rationale—The need for the course and how the need was determined shall be clearly stated and maintained on file.

(3) Course Content—The content of the course or program shall be directly related to patient care, community health or public health.

(4) Educational Objectives—Each course or program shall clearly state educational objectives that can be realistically accomplished within the framework of the course.

(5) Method of Instruction—Teaching methods for each course or program shall be described, e.g., lecture, seminar, audio-visual, simulation, etc.

(6) Evaluation—Each course or program shall include an evaluation method which documents that educational objectives have been met, *e g*, written examination or written evaluation by each participant

(7) Attendance—Course organizers shall maintain a record of attendance of each participant

(b) The division will not give prior approval to individual courses or programs, however, the division will randomly audit courses or programs submitted for credit in addition to any course or program for which a complaint is received. If an audit is made, course organizers will be asked to submit to the division

(1) Organizer(s) faculty curriculum vitae,

(2) Rationale for course,

(3) Course content,

(4) Educational objectives,

(5) Teaching methods,

(6) Evidence of evaluation,

(7) Attendance records

(c) Credit toward the required hours of continuing education will not be received for any course deemed unacceptable by the division after an audit has been made pursuant to this section

NOTE Authority cited Section 2018, Business and Professions Code Reference Section 2190, Business and Professions Code

#### HISTORY

1 New section filed 9-1-77, effective thirtieth day thereafter (Register 77, No 36)

2 Amendment of subsection (a) (1) filed 4-11-80, effective thirtieth day thereafter (Register 80, No 15)

3 Amendment of NOTE filed 8-5-81, effective thirtieth day thereafter (Register 81, No 32)

#### 1338. Audit and Sanctions for Noncompliance.

(a) The division shall audit once each year a random sample of physicians who have reported compliance with the continuing education requirement. No physician shall be subject to audit more than once every four (4) years. Those physicians selected for audit shall be required to document their compliance with the continuing education requirements of this article on a form provided by the division

(b) Any physician who is found not to have completed the required number of hours of approved continuing education will be required to make up any deficiency during the next biennial renewal period. Such physician shall document to the division the completion of any deficient hours identified by audit. Any physician who fails to make up the deficient hours shall be ineligible for renewal of his or her license to practice medicine until such time as the deficient hours of continuing education are documented to the division

(c) It shall constitute unprofessional conduct for any physician to misrepresent his or her compliance with the provisions of this article

(d) Any physician selected for audit who has been certified as complying with the continuing education requirements of this article by those organizations listed in Section 1337, subsections (a) (1) and (a) (2), will not be required to submit documentation or records of continuing education coursework received, but the division may obtain such records directly from the certifying organizations

**TITLE 16 MEDICAL QUALITY ASSURANCE**  
(Register 81, No 32—8-8-81)

**§ 1339.5**  
(p 1343)

(e) The division requires that each physician retain records for a minimum of four years of all continuing education programs attended which indicate the title of the course or program attended, dates of attendance, the length of the course or program, the sponsoring organization and the accrediting organization, if any

NOTE Authority cited Section 2018, Business and Professions Code Reference Section 2190, Business and Professions Code

**HISTORY**

- 1 Amendment filed 9-1-77, effective thirtieth day thereafter (Register 77, No 36)
- 2 Repealer and new section filed 11-17-78, effective thirtieth day thereafter (Register 78, No 46)
- 3 Amendment of NOTE filed 8-5-81, effective thirtieth day thereafter (Register 81, No 32)

**1339. Waiver of Requirement.**

(a) The division, in its discretion may exempt from the continuing education requirements, any licensee who for reasons of retirement, health, military service, or undue hardship cannot meet those requirements. Applications for waivers shall be submitted on a provided form to the division for its consideration

(b) Any physician so exempted by reason of retirement may not routinely engage in the practice of medicine and his or her medical practice shall be restricted as follows

(1) Any examining, treating and prescribing is limited to 20 patient visits annually

(2) Prescribing only Schedule IV and V controlled substances unless otherwise authorized by a medical quality review committee to prescribe from other schedules, the physician's Drug Enforcement Administration (DEA) certificate shall reflect these restrictions

(3) Irrespective of age, any income derived from the practice of medicine shall not exceed the net annual income allowed for recipients of social security benefits

(c) Any physician who submits an application for a waiver which is denied by the division, shall be ineligible for renewal of his or her license to practice medicine unless such physician complies with the provisions of Section 1338.

NOTE Authority cited Section 2018, Business and Professions Code Reference Section 2190, Business and Professions Code

**HISTORY**

- 1 Amendment of subsection (a) filed 8-23-77, effective thirtieth day thereafter (Register 77, No 35)
- 2 Amendment of subsection (b) filed 11-17-78, effective thirtieth day thereafter (Register 78, No 46)
- 3 Amendment filed 6-20-79, effective thirtieth day thereafter (Register 79, No 25)
- 4 Amendment of NOTE filed 8-5-81, effective thirtieth day thereafter (Register 81, No 32)

**1339.5. Inactive Licensure**

(a) "Board" as used in Section 701 of the Code means the Division of Licensing

(b) Any physician and surgeon desiring (1) an inactive certificate or (2) to restore his or her inactive certificate to an active status shall submit an application to the Division on a form provided by it. The applicant need not submit his or her certificate or a copy thereof to the Division with the application



§ 1340

MEDICAL QUALITY ASSURANCE

TITLE 16

(p 134 4)

(Register 81, No. 32—8-8-81)

(c) In order to restore an inactive certificate to active status, the physician shall have completed a minimum of fifty (50) hours of continuing education within the last two (2) years in compliance with Article 11 (commencing with Section 1336) of this Subchapter.

(d) All licensees who are in inactive status shall continue to pay to the Board the required biennial renewal fees

(e) The inactive status of a certificate holder shall not deprive the Division of Medical Quality of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the certificate or otherwise taking disciplinary action against the licensee on any such ground.

NOTE Authority cited Sections 2119 and 2508, Business and Professions Code Specific reference Sections 700-704, Business and Professions Code

HISTORY

1 Renumbering of Section 131 to Section 1339.5 filed 5-14-81, effective thirtieth day thereafter (Register 81, No. 20) For history of former Section 1310, See Register 78, No. 19

Article 12 Salaried Employment

1340. Conditions of Employment.

(a) Any licensed charitable and eleemosynary institution, foundation or clinic may employ physicians and surgeons so long as such an institution, foundation or clinic does not require a charge for professional medical services rendered patients

(b) Such employment does not require prior approval of the division

NOTE Authority cited Section 2018, Business and Professions Code Reference Sections 2400 and 2401, Business and Professions Code

HISTORY

1 Amendment of subsection (a) filed 4-11-80; effective thirtieth day thereafter (Register 80, No. 15)

2 Amendment of NOTE filed 8-5-81, effective thirtieth day thereafter (Register 81, No. 32)

1340.5. Employment of Out-of-State Physicians by State and County General Hospitals.

Any state institution or county general hospital which employs or appoints to the medical staff a physician who is not licensed in this state shall meet the following conditions in order to employ or appoint such a physician

(a) The institution or hospital shall register each such physician with the division

(b) The director of each such institution or hospital shall certify to the division that physicians licensed in this state cannot be recruited

(c) All registrations and certifications shall be on a form provided by the division

(d) Each physician employed or appointed shall be a graduate of a medical school approved by the division under Section 1314 of these regulations and shall hold a valid, unencumbered license to practice medicine issued by another state

BUSINESS AND PROFESSIONS CODE

§ 2498

1980 Legislation.  
Former § 2496 was repealed by Stats 1980,  
c 1313, p —, § 16

For disposition of repealed sections, see  
Table preceding § 2000  
Derivation. Former § 2525 22 added by  
Stats 1974, c 1044, p 2250, § 31

§ 2496. Continuing education; regulations, renewal of licenses

In order to insure the continuing competence of persons licensed to practice podiatric medicine, the committee shall adopt and administer regulations in accordance with the Administrative Procedure Act (Chapter 35 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) requiring continuing education of such licensees. The committee shall require such licensees to demonstrate satisfaction of the continuing education requirements at each license renewal.

(Added by Stats 1980, c 1313, p —, § 2)

1980 Legislation.  
Former § 2496 was amended by Stats  
1974 c 802, p 1750, § 1, Stats 1977, c 1058,  
p 3199, § 1, Stats 1979, c 702, p 2179, § 1,  
and was repealed by Stats 1980, c 1313, p  
—, § 16  
For disposition of repealed sections, see  
Table preceding § 2000

Derivation. Former § 2130, added by  
Stats 1957, c 1057, p 2338 § 2, amended by  
Stats 1961, c 215, p 1225, § 8, Stats 1971 c  
753, p 1489 § 7  
Former § 2525 9, added by Stats 1974, c  
1044, p 2247, § 31, amended by Stats 1977, c  
837, p 2512, § 1, Stats 1978, c 938, p 2914,  
§ 2

§ 2497. Denial, suspension or revocation of certificate, probationary conditions; hearings

(a) The committee may order the denial of an application for, or the suspension of, or the revocation of, or the imposition of probationary conditions upon a certificate to practice podiatric medicine for any of the causes set forth in Article 12 (commencing with Section 2220) in accordance with Section 222?

(b) The committee may hear all matters, including but not limited to, any contested case or any petition for reinstatement or modification of probation, or may assign any such matters to an administrative law judge. Such proceedings shall be held in accordance with Section 2230. If a contested case is heard by the committee itself, the administrative law judge who presided at the hearing shall be present during the committee's consideration of the case and shall assist and advise the committee.

(c) After the hearing, the board shall deny an application for, or suspend or revoke, or impose probationary conditions upon, or reinstate, a certificate as ordered by the committee in any decision made after a hearing as provided in subdivision (b).

(Added by Stats 1980, c 1313, p —, § 2.)

1980 Legislation.  
Former § 2497 was repealed by Stats 1980,  
c 1313, p —, § 16  
For disposition of repealed sections, see  
Table preceding § 2000

Derivation. Former § 2133, added by  
Stats 1971, c 753, p 1489, § 9

Former § 2525 12, added by Stats 1974, c  
1044, p 2247, § 31, amended by Stats 1977, c  
418, p 1430 § 1, Stats 1978, c 938, p 2914,  
§ 4

Library References  
Physicians and Surgeons § 11 2  
C J S Physicians and Surgeons § 17

§ 2498. Review of medical practice; inspection of hospitals and records, reports

(a) The committee shall have the responsibility for reviewing the quality of podiatric medical practice carried out by persons licensed to practice podiatric medicine.

(b) Each member of the committee, or any licensed podiatrist appointed by the committee, shall additionally have the authority to inspect, or require reports from, a general or specialized hospital and the podiatric staff thereof, with respect to the podiatric care, services, or facilities provided therein, and may inspect podiatric patient records with respect to such care, services, or facilities. The authority to make inspections and to require reports as provided by this section shall not be delegated by a member of the committee to any person other than a podiatrist and shall be subject to the restrictions against disclosure described in Section 2263.  
(Added by Stats 1980, c 1313, p —, § 2)

Asterisks \* \* \* indicate deletions by amendment



BOARD OF MEDICAL QUALITY ASSURANCE  
PODIATRY EXAMINING COMMITTEE  
1430 HOWE AVENUE, SACRAMENTO, CALIFORNIA 95825



(916) 920-6347

Dear Doctor:

Enclosed are the Continuing Medical Education Regulations adopted by the Podiatry Examining Committee at their October 5, 1979 meeting. These Regulations became effective January 1, 1980.

You will be required to accumulate an average of 25 hours of continuing medical education credit per year. Those podiatrists renewing their licenses in 1980 will not have to certify that they have completed 25 hours of credit; but when they renew in 1982, will have to certify that they have completed 50 hours of credit.

It will be the responsibility of each podiatrist to keep a record of all approved continuing medical education courses or programs attended. We will not be keeping any podiatrists record of approved courses or programs.

Please note that a current and valid certificate in basic cardiopulmonary resuscitation (CPR) is required at the time of license renewal.

If you have any questions, please call or write Aldo Avellino, Continuing Medical Education Coordinator.

Sincerely,

Aldo A. Avellino, Jr.  
Executive Officer

Enclosure  
st

NOTE: Authority cited: Section 2100.9, Business and Professions Code  
Reference cited: Sections 2100.8, 2525 and 2525.19, Business and Professions Code.

(10) Renumbers Section 1366.8 in subchapter 3 of Chapter 13 as new Section 1399.667 in Article 2 of new Chapter 13.8.

NOTE: Authority cited: Section 2119, Business and Professions Code.  
Reference cited: Section 2100.8, 2525 and 2525.15 Business and Professions Code.

(11) Adopts new Article 3 in new Chapter 13.8 to read.

### ● Article 3. Continuing Education

1399.670 Continuing Education Required (a) Each doctor of podiatric medicine is required to complete an average of at least 25 hours of approved continuing education during each calendar year.

(b) Each doctor of podiatric medicine renewing his or her license under the provisions of Section 2450.5 of the code may be required to submit proof satisfactory to the committee of compliance with the provisions of this article a minimum of every two (2) years.

(c) Each doctor of podiatric medicine in order to renew his or her license at each renewal thereof shall report progress towards compliance with the continuing education requirement.

(d) Any doctor of podiatric medicine who cannot complete a minimum of 50 hours of approved continuing education during a two (2) year period shall be ineligible for renewal of his or her license unless such licensee applies for and obtains a waiver pursuant to Section 1399.678 below.

(e) It is the responsibility of the individual doctor of podiatric medicine that courses he or she takes meets the committee's criteria for acceptability of courses.

NOTE: Authority and reference cited: Section 2525.9, Business and Professions Code.

1399.671. Approved Continuing Education Programs. The following programs provided they meet the requirements of Section 1399.673 are approved by the committee for continuing education credit:

(a) Programs which qualify for Category A credit of the California Podiatry Association or the American Podiatry Association, and their affiliated organizations.

(b) Programs which qualify for Category I credit of the California Medical Association, American Medical Association, California Osteopathic Association and the American Osteopathic Association, and their affiliated organizations.

(c) Programs offered by approved colleges or schools of podiatric medicine, medicine and osteopathic medicine.

(d) Participation in a residency program or clinical fellowship in a hospital approved under Section 1399.667 on the basis of six (6) hours continuing education credit for each month in such program or fellowship.

(e) Programs offered by other individuals, organizations and institutions approved by the committee pursuant to Section 1399 672 below.

NOTE: Authority and reference cited. Section 2525.9, Business and Professions Code.

1399.672. Criteria for Approval of Courses. (a) Only those individuals, organizations or institutions seeking approval by the committee of continuing education courses or programs under Section 1399.671, subs. (e), above, shall apply for such approval on a form provided by the committee. Those individuals, organizations and institutions approved under Section 1399.671, subs. (a) through (d) need not apply to the committee for approval, but need only to comply with the other provisions of this article pertaining to approved continuing education providers, including Section 1399 673.

(b) Those individuals, organizations and institutions applying for approval of course or program offerings by the committee under Section 1399.671, subs. (e), shall submit such documents and other evidence as may be needed by the committee to determine compliance with the criteria set forth below, including but not limited to, catalogues, course descriptions, curricula plans and bulletins.

(c) Those courses or programs referred to in Section 1399.671, subs. (e), shall meet the following criteria in order to be approved by the committee on an hour-for-hour basis.

(1) Faculty -- The course or program organizer(s) shall have a faculty appointment in a public university or state college or in a private postsecondary educational institution authorized or approved pursuant to Section 94310 of the Education Code. The appointment may be in disciplines other than medicine but directly related to the practice of podiatric medicine or medicine. The curriculum vitae of all faculty members and all other organizers shall be kept on file.

(2) Rationale -- The need for the course and how the need was determined shall be clearly stated and maintained on file.

(3) Course Content -- The content of the course and how the need was determined shall be clearly stated and maintained on file.

(4) Educational Objectives -- Each course or program shall clearly state educational objectives that can be realistically accomplished within the framework of the course.

(5) Method of Instruction -- Teaching methods for each course or program shall be described, e.g., lecture, seminar, audio-visual simulation, etc.

(6) Attendance -- Course organizers shall maintain a record of attendance of each participant.

NOTE: Authority and reference cited: Section 2525.9, Business and Professions Code.

1399.673. Survey of Need and Self-assessment Required. In addition to any other requirements for approval, all approved individual organizations institutions and other continuing education providers listed in Section 1399.671, with the exception of residency programs and clinical fellowships, shall

(a) Utilize a survey at least annually of the podiatric medical community in order to determine those areas of clinical practice in which there is the greatest need in terms of demonstrated and expressed needs for additional information and instruction directly relevant to quality patient care and developments in the practice of podiatric medicine; and

(b) provide a self-assessment evaluation in an objective format for each participant which pertains to the course content of the particular continuing education program. The evaluations shall be reviewed by the program providers to measure educational needs and to determine whether the objectives of the program have been met, and shall be made available to each participant for his or her review. Evaluation shall not be submitted to the committee.

1399.674. Withdrawal of Approval; Appeal Procedure (a) Any individual, organization, institution, or other continuing education provider approved by the committee in Section 1399.671 may have its approval withdrawn by the committee for failure to comply with the provisions of this article.

(b) Any provider who is denied approval by the committee as a continuing education provider or any continuing education provider whose approval is withdrawn by the committee, or any doctor of podiatric medicine who is denied credit for continuing education coursework or whose license to practice podiatric medicine is not renewed after failure to comply with these continuing education rules may appeal such denial, withdrawal or suspension to the committee. The committee in its discretion may consider such an appeal with or without a hearing.

NOTE: Authority and reference cited: Section 2525.9, Business and Professions Code.

1399.675. CPR Training Required. As part of the continuing education required by law of each licensee, in addition to the coursework required by these regulations, each doctor of podiatric medicine at the

time of license renewal shall certify that he or she possesses a current and valid certificate in basic cardiopulmonary resuscitation (CPR).

NOTE: Authority and reference cited: Section 2525.9, Business and Professions Code.

1399.676 Audit and Sanctions for Noncompliance (a) Each doctor of podiatric medicine at the time of license renewal shall sign a statement under penalty of perjury that he or she has or has not complied with the continuing education requirements set by the committee.

(b) The committee shall audit once each year a random sample of doctors of podiatric medicine who have reported compliance with the continuing education requirement. No doctor of podiatric medicine shall be subject to audit more than once every two (2) years. Those licensees selected for audit shall be required to document their compliance with the continuing education requirements of this article on a form provided by the committee.

(c) Any doctor of podiatric medicine who is found not to have completed the required number of hours of approved continuing education will be required to make up any deficiency during the next biennial renewal period. Such licensees shall document to the committee the completion of any deficient hours identified by audit. Any doctor of podiatric medicine who fails to make up the deficient hours, in addition to the hours required for the current renewal period, shall be ineligible for renewal of his or her license to practice podiatric medicine until such time as all the required hours of continuing education are completed and documented to the committee.

(d) It shall constitute unprofessional conduct for any doctor of podiatric medicine to misrepresent compliance with the provisions of this article.

(e) Any doctor of podiatric medicine selected for audit who has been certified as complying with the continuing education requirements of this article by those organizations listed in Section 1399.671, subs. (a), (b), (c) and (d), will not be required to submit documentation or records of continuing education coursework received, but the committee may obtain such records directly from the certifying organizations or institutions.

(f) The committee requires that each doctor of podiatric medicine retain records for a minimum of four (4) years of all continuing education programs attended which indicate the title of the course or program, the sponsoring organization or individual and the accrediting organization, if any.

NOTE: Authority and reference cited: Section 2525.9, Business and Professions Code.

1399.677. Credit for Teaching A maximum of one-third of the

required hours of continuing education may be satisfied by teaching or otherwise presenting a course or program offered by an approved continuing education provider.

NOTE: Authority and reference cited: Section 2525.9, Business and Professions Code.

1399.678. Waiver of Requirement. (a) The committee in its discretion may exempt for the continuing education requirement, any licensee who for reasons of retirement, health, military service, or undue hardship cannot meet those requirements. Applications for waivers shall be submitted on a provided form to the committee for its consideration.

(b) Any licensee so exempted by reason of retirement may not routinely engage in the practice of podiatric medicine and his or her podiatric medical practice shall be restricted as follows:

(1) Any examining, treating and prescribing is limited to 20 patients annually.

(2) Prescribing only Schedule IV and V controlled substances unless otherwise authorized by the committee to prescribe from other schedules; the licensee's Drug Enforcement Administration (DEA) certificate shall reflect those restrictions.

(3) Irrespective of age, any income derived from the practice of podiatric medicine shall not exceed the net annual income allowed for recipients of social security benefits.

(c) Any licensee who submits an application for waiver which is denied by the committee, shall be ineligible for renewal of his or her license to practice podiatric medicine unless such person complies with the provisions of Section 1399.676.

(d) Any newly-licensed doctor of podiatric medicine who is licensed for less than six (6) months of the year shall be automatically exempt from the continuing education requirement for that year.

NOTE: Authority and reference cited: Section 2525.9, Business and Professions Code.

1399.679. Inactive License. (a) Any doctor of podiatric medicine desiring an inactive license pursuant to the provisions of Article 9 (commencing with Section 700) of Chapter 1 of Division 2 of the code or to restore an inactive license to active status shall submit an application to the committee on a form provided by it. The applicant need not submit his or her certificate or copy thereof to the committee with the application.

(b) "Board" as used in Section 701 of the code means the Podiatric Examining Committee.



(c) In order to restore an inactive license to active status, the licensee shall have completed a minimum of fifty (50) hours of approved continuing education within the last two (2) years in compliance with this article.

(d) All licensees who are in inactive status shall continue to pay to the board the required biennial renewal fees.

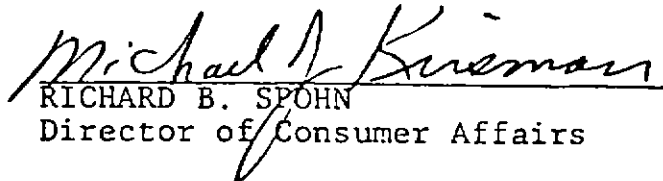
(e) The inactive status of any licensee shall not deprive the committee of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking a certificate or otherwise taking disciplinary action against the licensee on any such ground.

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DATED. Nov 13, 1979

  
ROBERT ROWLAND  
Executive Director

Approved this 3<sup>rd</sup> day of December, 1979

  
RICHARD B. SPOHN  
Director of Consumer Affairs

REGISTERED DENTAL ASSISTANT

REGISTERED DENTAL HYGIENIST

*See "Dentist" above.*